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SESSION LAWS

OF

HAWAII

PASSED BY THE

FIFTEENTH STATE LEGISLATURE

REGULAR SESSION
1990

Convened on Wednesday, January 17
and
Adjourned sine die on Friday, May 4

Published by Authority of the
Revisor of Statutes
Honolulu, Hawaii

AUTHORITY

Section 23G-13, Hawaii Revised Statutes, provides as follows:

Publishing of session laws. As soon as possible after the close of each session of the legislature, the revisor of statutes shall prepare for publication all laws duly enacted at such session, arranged in the order of their becoming law, together with a suitable index and tables showing what general statutes have been affected by such session laws.

PREFACE

This volume contains all the laws of the Regular Session of 1990. The text of the laws as enacted is followed except for obvious typographical errors, which have been corrected; and the text is printed in full except for laws repealing existing statutes.

As authorized by HRS §23G-16.5, amendatory legislation contains brackets (designating matter deleted from statutes) or underscoring (designating new matter added). However, the text is edited to omit the bracketed matter for HRS sections repealed in their entirety and to delete the underscoring from new HRS sections.

Explanatory notes appear at the end of the corresponding laws. The notes clarify editorial changes and inconsistencies in text.

Samuel B. K. Chang
Revisor of Statutes

Honolulu, Hawaii
July 20, 1990

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[1] Appointed to seat vacated by the death of Roland M Kotani

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Session Laws Of Hawaii
Passed By The
Fifteenth State Legislature
Regular Session
1990

ACT 1 S B. NO. 2330

A Bill for an Act Relating to a Pilot After-School Program in the Public Schools.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1. The purpose of this Act is to establish a statewide pilot after-school program in the public schools to provide affordable and quality after-school supervision for students enrolled in kindergarten through grade six who could be without the supervision of an adult after the end of the instructional school day as a result of their single parent's or both parents' employment

For many parents, especially single parents, finding quality and affordable after-school services to provide supervision for their children until the end of their work day is a major concern and challenge For some, either because of cost or unavailability of services, it has been an insurmountable problem which has resulted in their children being left alone after school to fend for themselves. Because of the lack of adult supervision, these children are exposed to higher risks of physical injury at the hands of others or themselves. A recent study also found that children unsupervised for at least one hour per school day are at greater risk of substance abuse with the attendant possibility of criminal activities to support the habit

The community as a whole also suffers from the limited availability of quality and affordable after-school supervision for children Productivity at work is adversely affected by telephone calls to or from children at home, general preoccupation about what their unsupervised children may be doing, and a rush to end the workday

In searching for solutions to these direct and indirect problems, the legislature finds that sufficient resources to adequately address them may be available only from the State, more particularly through a comprehensive program administered by the centralized public school system Productive after-school activities could be organized to support, complement, and enhance the instructional program public schools provide during regular school hours, maximize use of school facilities, and, most importantly, increase the availability of quality and affordable after-school services to children of working parents of our community.

Pursuant to its existing authority to establish after-school activities programs under section 296-49, Hawaii Revised Statutes, the department of educa-

tion has developed and is ready to implement a pilot state-subsidized after-school program which would begin in early February and operate for the balance of the current school year. This statewide program, to be known as the "After-School Plus Program" or "A + Program," would make affordable after-school supervision available to kindergarten through grade six children from households headed by a single working parent or two working parents.

The legislature finds that the after-school program developed by the department of education as a pilot program may be an appropriate means of addressing the problems of latchkey children and a distracted work force described above. The pilot A + Program should be implemented immediately to test not only its feasibility as an after-school program of limited participation but also as a model for broader based after-school activities programs. Further, its implementation will allow the State to determine how a state-subsidized after-school program may support, enhance, and even complement existing privately operated after-school programs which presently are available and affordable but only to a limited segment of our community.

SECTION 2. To facilitate immediate implementation of the pilot A + Program, this Act is recommended by the governor for immediate passage in accordance with Section 9 of Article VII of the Constitution.

SECTION 3. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by $5,655,000 or 0.24 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of $5,655,000, or so much thereof as may be necessary for fiscal year 1989-1990, to implement the pilot after-school program known as the A + Program, which was developed by the department of education pursuant to section 296-49, Hawaii Revised Statutes. The sum appropriated shall be expended by the department of education solely and only to implement the pilot A + Program; provided further that students' eligibility for and continued enrollment in the program is determined in accordance with the criteria set out in section 5 of this Act, and the program is operated in accordance with the standards and procedures set out in section 6 of this Act.

SECTION 5. Participation in the pilot A + Program shall be limited to students enrolled in kindergarten through grade six who, unless otherwise exempt, pay a non-refundable fee of $23 in advance each month, and come from households headed by a single parent or two parents who work during all or a portion of the period that the A + Program is in session or are the children of persons who staff the program. If the program is not available at the school they attend, eligible students may enroll in a program at a different site but the parent or parents of the student must arrange for and assume full responsibility for the cost of transportation to that program site.

SECTION 6. The pilot A + Program shall operate from February 5, 1990 through the last full school day of the current school year, on each regular school day from the close of the regular school day until 5:30 p.m., or a time determined

by the department of education The program will not operate during public school vacation periods, holidays, Teacher Institute Day, or when the regular public school day is only for half of a day Students, including those exempt from payment of the monthly fee, may be assessed a $5 late pick-up fee for every fifteen-minute interval after the official daily closing time that a child is picked up late.

Students may be precluded from continued participation in the program for failure to pay the monthly non-refundable fee, chronic late pick-ups, or conduct which disrupts the program's activities or jeopardizes the safety or welfare of the program's staff or participants The site coordinator at each school site shall meet with the students and parents of students whose continued participation in the program may be questionable, to apprise them of the problems which may result in termination and to afford them a reasonable time in which to take corrective action.

SECTION 7. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable

SECTION 8 This Act shall take effect upon its approval.

(Approved February 2, 1990)

ACT 2 S B NO. 1

A Bill for an Act Making Appropriations to Provide for the Expenses of the Legislature, the Legislative Auditor, the Legislative Reference Bureau, and the Ombudsman

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of $4,274,551, or so much thereof as may be necessary, for defraying any and all session and nonsession expenses of the Senate up to and including June 30, 1991, including but not limited to the 1990 regular session, Fifteenth Legislature of the State of Hawaii, and pre-session expenses and the expenses of any committee or committees established during the interim between the 1990 and 1991 regular sessions.

SECTION 2 There is appropriated out of the general revenues of the State of Hawaii the sum of $5,576,113, or so much thereof as may be necessary, for defraying any and all session and nonsession expenses of the House of Representatives up to and including June 30, 1991, including but not limited to the 1990 regular session, Fifteenth Legislature of the State of Hawaii, and pre-session expenses and the expenses of any committee or committees established during the interim between the 1990 and 1991 regular sessions

SECTION 3 Payment of expenses of the Senate during the interim between the 1990 and 1991 regular sessions shall be made only with the approval of the President of the Senate, and payment of expenses of the House of

Representatives during the interim between the 1990 and 1991 sessions shall be made only with the approval of the Speaker of the House of Representatives.

SECTION 4. Before January 16, 1991, the Senate and House of Representatives shall have their accounts audited and a full report of such audit shall be presented to the Senate and to the House of Representatives of the Legislature convening on January 16, 1991.

SECTION 5. The expenses of any member of the Legislature while traveling abroad on official business of the Legislature shall not be limited by the provisions of section 78-15, Hawaii Revised Statutes, or by any other general statute. Until otherwise prescribed by law, the expenses of such member shall be $110 a day and authorized by the President of the Senate and the Speaker of the House of Representatives, respectively.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of $2,297,501, to the office of the legislative auditor for the following expenses: (a) the sum of $1,749,383, or so much thereof as may be necessary, for defraying the expenses of the office of the legislative auditor during the fiscal year 1990-1991; (b) the sum of $398,118, or so much thereof as may be necessary for defraying the expenses of the office of the state ethics commission during the fiscal year 1990-1991; (c) the sum of $150,000, or so much thereof as may be necessary during the fiscal year 1990-1991, for (1) performing special studies, (2) improving capabilities for planning, programming and budgeting, (3) fulfilling other special requests made of the legislative auditor by the Legislature or jointly by the President of the Senate and the Speaker of the House of Representatives, (4) legislative studies and for contractual services for such studies, and (5) such other purposes as may be determined by the joint action of the President of the Senate and the Speaker of the House of Representatives.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of $1,840,743, or so much thereof as may be necessary, to the legislative reference bureau for defraying the expenses of the bureau during the fiscal year 1990-1991 including equipment relating to computer systems programming and operations.

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of $925,122, or so much thereof as may be necessary, to the office of the ombudsman for defraying the expenses of the office during the fiscal year 1990-1991.

SECTION 9. There is appropriated out of the general revenues of the State of Hawaii the following sums, or so much thereof as may be necessary, for defraying the expenses of the legislative information system (known as "SHADOW"), (a) $500,000 to the Senate; and (b) $500,000 to the House of Representatives. This appropriation shall be utilized to pay for hardware, software, consultant, installation, materials, supplies and other related costs associated with the legislative information system which have been or will be incurred. This appropriation shall take effect upon its approval and shall not lapse until June 30, 1991.

SECTION 10. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this

Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by $10,850,664 or 0.46 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 11 As of the close of business on June 30, 1991, the unexpended or unencumbered balance of any appropriation made by this Act shall lapse into the general fund

SECTION 12 Each section of this Act is declared to be severable from the remainder of this Act

SECTION 13 This Act shall take effect upon its approval

(Approved February 6 1990)

ACT 3 H B NO 2138

A Bill for an Act Making Appropriations for Collective Bargaining Cost Items.

Be It Enacted by the Legislature of the State of Hawaii

PART I

SECTION 1 This Act is recommended by the Governor for immediate passage in accordance with Section 9 of Article VII of the Constitution of the State of Hawaii

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by $9,833,826, or 0 42 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 3 The purpose of this Act is to appropriate or authorize, as the case may be, funds for the payment of collective bargaining cost items in the agreement reached with the exclusive representative of collective bargaining unit 7 for the 1989-91 and 1991-93 fiscal biennium Negotiations were not completed in time for a submittal to be made to the Legislature during the Regular Session of 1989 The agreement was ratified by bargaining unit 7 on September 15, 1989 The intent of this Act is to provide the necessary authorizations and appropriations to allow for the implementation of pay raises on July 1, 1989, July 1, 1990, July 1, 1991 and July 1, 1992, and for increases in other cost items effective July 1, 1989

PART II

SECTION 4. There are hereby appropriated or authorized from the sources of funding indicated below the following sums, or so much thereof as

may be necessary, to fund for the fiscal bienniums 1989-91 and 1991-93 all collective bargaining cost items in the agreement negotiated with the exclusive bargaining representative of collective bargaining unit 7:

	FY 1989-90	FY 1990-91	FY 1991-92	FY 1992-93
GENERAL FUNDS	$9,833,826	$22,090,228	$11,231,470	$10,287,495
SPECIAL FUNDS	95,307	167,315	77,594	75,298
FEDERAL FUNDS	206,140	442,435	202,248	203,428
OTHER FUNDS	12,862	21,949	9,139	5,723

SECTION 5. Funds appropriated or authorized by this Act shall be expended by the director of finance in the respective fiscal years for the purposes of this part.

SECTION 6. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 7. Funds appropriated or authorized by this Act which are not expended or encumbered by June 30, 1990, June 30, 1991, June 30, 1992, and June 30, 1993 of the respective fiscal years shall lapse as of those dates.

SECTION 8. This Act shall take effect upon its approval.

(Approved February 7, 1990.)

ACT 4 H.B. NO. 2139

A Bill for an Act Relating to Employees Excluded From Collective Bargaining Unit 7 and Making Appropriations and Other Adjustments.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. This Act is recommended by the Governor for immediate passage in accordance with Section 9 of Article VII of the Constitution of the State of Hawaii.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by $1,203,121, or 0.051 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 3. The purpose of this Act is to appropriate or authorize, as the case may be, funds for salary adjustments and other cost items for employees excluded from bargaining unit 7 for the 1989-91 and 1991-93 fiscal bienniums.

Negotiations with the exclusive representative of bargaining unit 7 were not completed in time for a submittal to be made to the legislature during the regular session of 1989 The intent of this Act is to provide the necessary authorizations and appropriations to allow for the implementation of pay raises on July 1, 1989, July 1, 1990, July 1, 1991, and July 1, 1992, and for increases in other cost items effective July 1 1989

PART II

SECTION 4 There are hereby appropriated or authorized from the sources of funding indicated below the following sums, or so much thereof as may be necessary, to fund for the fiscal bienniums 1989-91 and 1991-93 the salary increases and other cost adjustments for employees excluded from bargaining unit 7, as authorized by chapter 89C, Hawaii Revised Statutes

	FY 1989-90	FY 1990-91	FY 1991-92	FY 1992-93
GENERAL FUNDS	$1 203,121	$2,234,253	$937,359	$913,708
SPECIAL FUNDS	6,225	13 753	6,668	6,700
FEDERAL FUNDS	790	1,380	415	-0-
OTHER FUNDS	1 446	2,592	1,024	928

SECTION 5 Funds appropriated or authorized by this Act shall be expended by the director of finance in the respective fiscal years for the purposes of this part

SECTION 6 Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special or other funds shall be paid wholly or proportionately, as the case may be from the respective funds

SECTION 7 Funds appropriated or authorized by this Act which are not expended or encumbered by June 30 1990 June 30, 1991, June 30, 1992, and June 30, 1993, of the respective fiscal years shall lapse as of those dates

SECTION 8 This Act shall take effect upon its approval

(Approved February 7 1990)

ACT 5 S B NO 609

A Bill for an Act Relating to Real Estate Brokers and Salesmen

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 467-9 5, Hawaii Revised Statutes is amended to read as follows

"**§467-9.5 Prerequisites for written examination.** No person shall be eligible for the written examination unless

(1) The person is a citizen of the United States, or an alien who is authorized to work in the United States, of the age of majority,

(2) The person applying for the real estate salesman[1] examination has satisfactorily completed a course on real estate principles or its equivalent, approved or accredited by the real estate commission;
(3) The person applying for the real estate broker examination has satisfactorily completed a course for real estate brokers, or its equivalent, approved or accredited by the real estate commission;
(4) The person applying for the real estate broker examination (A) has previously been licensed as a Hawaii real estate salesman,[1] and (B) has previously been engaged in the real estate business as a licensed Hawaii real estate salesman for a period[1] of two years on a full-time basis and has practical experience in the real estate field as determined by the commission. The commission may waive all or a portion of the two years' experience, if the person has had other experience or education in the selling or management of[1] real estate, which, in the opinion of the commission, is equivalent to two years' experience to be established by detailed explanatory affidavit or in such other manner as may be determined by the commission.

Each person shall certify on the application for examination that the prerequisites set forth above have been or will be satisfied prior to the date of examination. The examination score of any person who has taken the written examination without having satisfied the prerequisites set forth above shall be voided."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect on January 1, 1991.

(Approved March 30, 1990.)

Note

1 So in original.

ACT 6 H.B. NO. 2491

A Bill for an Act Relating to Fishing with Traps.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 188-29, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) It is unlawful for any person to use any type of trap which is not portable or which is more than ten feet in length or six feet in height or width. [It] Except for traps of smaller mesh to take shrimp or opae, and for the entrance cone, it shall also be unlawful to use traps:
(1) With netting having a stretched mesh of less than two inches; or
(2) Made with plastic, wire, coated wire, or any other stiff material with a rigid mesh of less than two inches long by one inch wide;
provided that existing traps otherwise prohibited by paragraph (2) which are registered with the department of land and natural resources by October 1, 1989 may be used until June 30, 1994."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3 This Act shall take effect upon its approval

(Approved April 5 1990)

ACT 7 H.B. NO 2845

A Bill for an Act Relating to Candidate Vacancies

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The purpose of this Act is to amend the procedures to fill candidate vacancies in the event of death, withdrawal, or disqualification.

SECTION 2. Section 11-117, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows

"(b) On receipt of the notice of death, withdrawal, or upon determination of disqualification, the chief election officer or the clerk shall inform the chairperson of the political party of which the person deceased, withdrawing, or disqualified was a candidate. When a candidate dies, withdraws, or is disqualified after the close of filing and the ballots have been printed, the chief election officer or the clerk [shall either] may order the candidate's name stricken from the ballot or order that a notice of the [disqualification,] death, withdrawal, or [death] disqualification be prominently posted at the appropriate polling places on election day."

SECTION 3 Section 11-118, Hawaii Revised Statutes, is amended to read as follows

"§11-118 Vacancies; new candidates; insertion of names on ballots. (a) In case of death, withdrawal, or disqualification of any party candidate after filing, the vacancy so caused may be filled by [the appropriate committee of] the party The party shall be notified by the chief election officer or the clerk in the case of a county office immediately after the death, withdrawal, or disqualification

(b) If the party fills the vacancy, and so notifies the chief election officer or clerk not later than 4 30 p m on the third day after the vacancy occurs, but not later than 4.30 p m on the fiftieth day prior to a primary or special primary election or not later than 4 30 p m. on the fortieth day prior to a special, general, or special general election, the name of the replacement shall be printed in an available and appropriate place on the ballot, not necessarily in alphabetical order If the party fails to fill the vacancy pursuant to this subsection, no candidate's name shall be printed on the ballot for the party for that race

(c) If the ballots have been printed and it is not reasonably possible to insert an alternate's name, the chief election officer shall issue a proclamation informing the public that the votes cast for the vacating candidate shall be counted and the results interpreted as follows

(1) In a primary or special primary election:

(A) In partisan races, if, but for candidate's vacancy, the vacating candidate would have been nominated pursuant to section 12-41(a), a vacancy shall exist in the party's nomination, to be filled in accordance with subsection (b).

(B) In nonpartisan races, if, but for the candidate's vacancy, the vacating candidate would have qualified as a candidate for the

general or special general election ballot pursuant to section 12-41(b), the nonpartisan candidate who received the next highest number of votes shall be placed on the ballot provided that the candidate also meets the requirements of section 12-41(b).

(2) In a special, general, or special general election, if, but for the candidate's vacancy, the vacating candidate would have been elected, a vacancy shall exist in the office for which the race in question was being held, to be filled in the manner provided by law for vacancies in office arising from the failure of an elected official to serve the official's full term because of death, withdrawal, or removal.

(3) In any other case where, but for the candidate's vacancy, the vacating candidate would have been deemed elected, a vacancy shall exist in the office for which the candidate has filed, to be filled in the manner provided by law for vacancies in office arising from the failure of an elected official to serve the official's full term in office because of death, withdrawal, or removal.

(d) The parties shall adopt rules to comply with this provision, and those rules shall be submitted to the chief election officer.

(e) The chief election officer or county clerk in county elections may waive any or all of the foregoing requirements in special circumstances as provided in the rules adopted by the chief election officer. [If no substitution is made, the candidacy involved shall be declared vacant.]"

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved April 5, 1990.)

ACT 8 S.B. NO. 2112

A Bill for an Act Relating to Use of Prisoners by the Department of Health.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to repeal a law enacted in 1869 which authorizes the use of prisoners to remove nuisances. The legislature finds that the removal of nuisances generally and hazardous nuisances in particular should be handled by personnel skilled in the use of the most appropriate methods and equipment. The State of Hawaii does not view its correctional facilities as a source of workers for hazardous activities, and recognizes a duty to prevent prisoners from being exposed to unreasonable hazards.

SECTION 2. Section 322-5, Hawaii Revised Statutes, is repealed.

SECTION 3. Statutory material to be repealed is bracketed.[1]

SECTION 4. This Act shall take effect upon its approval.

(Approved April 5, 1990.)

Note

1 Edited pursuant to HRS §23G-16 5

ACT 9 H B NO 2075

A Bill for an Act Relating to Driver's Licenses

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 286-109, Hawaii Revised Statutes, is amended to read as follows

"**§286-109 General provision governing the issuance of licenses.** Upon payment of the required fee and upon demonstrating the ability to operate a certain category or categories of motor vehicles to the satisfaction of the examiner of drivers, an applicant for a driver's license shall be issued a single license of a design approved by the director of transportation upon which is made a notation of the category or categories of motor vehicles the applicant may operate [and], any restrictive provisions to which the license is subject[ ], and, where the license is issued to a person under twenty-one years of age, a statement, in clearly legible print that shall contrast with the other information appearing on the license, which indicates the date on which the person will attain the age of twenty-one years

Statutes of limitations and other provisions of this chapter notwithstanding, no driver's license or instruction permit shall be issued or renewed under [any of the provisions hereof,] this section, where the examiner of drivers is notified by the district judge, traffic violations bureaus of the district courts, or the judge of the circuit court that the applicant has failed to respond to a traffic citation or summons for the violation of any traffic laws of [the] a county, this chapter or chapters 286G, 287, 290, 291, or 291C, [or 294,] and the same remains delinquent and outstanding, or the applicant, having timely responded initially, has as of the time of the application, failed to comply in full with all orders of the court "

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect on January 1, 1991

(Approved April 6, 1990)

ACT 10 H B NO 2600

A Bill for an Act Relating to District Court Costs

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 607-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows

"(b) The fees referred to in subsection (a) are

(1) For the institution of each action or proceeding, to include all charges except as provided by paragraphs (2) to (13).....[$10] $15
(2) Intervention; answer containing one or more cross-claims or counterclaims; third-party complaint, for each such matter .....[$5] $10
(3) Motion or other application for: change of venue; involuntary dismissal, or preliminary hearing of a defense which may lead to involuntary dismissal; judgment on the pleadings; summary judgment; new trial; vacating, altering, or amending judgment, for each such matter, provided that an application in the alternative shall be treated as one matter.....[$3] $10
(4) For the issuance of garnishee summons; writ of possession, attachment, or execution; or any other writ, for each such matter....[$3] $5
(5) Issuance of a subpoena, for each witness to be served.....$1
(6) Deposition upon oral examination or written questions, or physical or mental examination, or examination of judgment debtor or other person under section 636-4, to be paid by the party filing the first paper in the matter, for each person whom the party seeks to question or examine.....$3
(7) Demand for jury trial.....Fee prescribed by section 607-5
(8) Filing of notice of appeal to the supreme court, to be paid in addition to the deposit of appellate court costs $30
(9) Search of records by the clerk $2
(10) Making of a copy; comparing of copy with original.....Fees prescribed by section 92-21
(11) Certification under seal of copy of pleading or other paper subsequent to the initial filing of the pleading or paper, except record on appeal.....$1
(12) Exemplification, instead of paragraph (1).....$1
(13) Posting notice; service fees; garnishee fees; mileage charges; or other services actually performed .....Amounts necessary to cover actual costs or disbursements."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 6, 1990.)

ACT 11 H.B. NO. 2951

A Bill for an Act Relating to Driver Licensing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 286-105, Hawaii Revised Statutes, is amended to read as follows:

"**§286-105 What persons are exempt from license.** The following persons are exempt from license:
(1) Any person while driving or operating a motor vehicle in the service or employ of any branch or agency of the federal government; provided that the person has received a license or permit from the

branch or agency to operate and drive the motor vehicle, provided further that the branch or agency has been duly authorized by the federal government to issue the license or permit,

(2) Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway, provided that no person under the age of thirteen years shall be permitted to drive or operate any such road machine, farm tractor, or implement of husbandry on a highway,

(3) Any person who is at least eighteen years of age and who has in the person's possession a valid driver's license issued to the person in any other state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, U S Virgin Islands, American Samoa, Guam, a province of the Dominion of Canada, or the Commonwealth of the Northern Mariana Islands for that category of motor vehicle which the person is operating, except, that such persons operating vehicles in categories 4 through 10 must meet the requirements of section 286-102(c) and be tested as required in section 286-108 5[ ];

(4) Any person who has in the person's possession a valid commercial motor vehicle driver's license issued by any state of the United States or a province of the Dominion of Canada that issues licenses in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver's licenses."

SECTION 2 Statutory material to be repealed is bracketed. New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved April 6 1990)

ACT 12 H B NO. 3044

A Bill for an Act Relating to Fishing

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 188-57, Hawaii Revised Statutes, is amended to read as follows.

"**§188-57 Certain crustaceans protected.** It is unlawful for any person to take, kill, sell, or offer for sale, or have in possession any Kona crabs[, spiny lobster (ula), or slipper lobster (ula-papapa),] taken from the waters within the jurisdiction of the State during the months of May, June, July, and August[ ], or spiny lobster (ula), or slipper lobster (ula-papapa), taken from the waters within the jurisdiction of the State during the months of June, July, and August. The possession of any Kona crabs,[spiny lobster (ula), or slipper lobster (ula-papapa),] by any person during the months of May, June, July, and August, and the possession of any spiny lobster (ula), or slipper lobster (ula-papapa), by any person during the months of June, July, and August shall be prima facie evidence that the person is guilty of a violation of this section; provided that any dealer may sell, or any hotel or other public eating house may serve Kona crabs or

lobsters lawfully caught during the open season by first procuring a license granting this privilege.

Licenses to sell or serve Kona crab [or lobster] during May, June, July, and August, or lobster during June, July, and August shall be issued by the department of land and natural resources upon the payment of $5 by wholesale dealers, $2.50 by retail markets and $1 for any hotel or other class of restaurant; provided that each license holder shall submit a report to the department within five days after the end of each of the months on blanks furnished by the department, which report shall give the name of the person or firm from whom the Kona crabs or lobsters were purchased, to whom sold, the number and weight bought or sold and the number and weight on hand the first and last day of each month.

The department may revoke any license for any infraction of the terms and conditions of the license. Any person whose license has been revoked shall not be eligible to apply for another license until the expiration of one year from the date of revocation."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 6, 1990.)

ACT 13 S.B. NO. 2141

A Bill for an Act Relating to Anabolic Steroids.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 329-1, Hawaii Revised Statutes, is amended by amending the definition of "anabolic steroid" to read:

"Anabolic steroid" includes [the following enumerated compounds:
(1) Methandrostenolone;
(2) Stanozolol;
(3) Ethylestrenol;
(4) Nandrolone phenpropionate;
(5) Nandrolone decanoate;
(6) Testosterone propionate;
(7) Chorionic gonadotropin.]
any of the following or any isomer, ester, salt, or derivative of the following that acts in the same manner on the human body:
(1) Clostebol;
(2) Danazol;
(3) Dromostanolone;
(4) Oxymesteron;
(5) Oxymetholone;
(6) Ethylestrenol;
(7) Mesterolone;
(8) Methenolone;
(9) Methandrostenolone;
(10) Stanozolol;

(11) Nandrolone phenpropionate,
(12) Nandrolone decanoate,
(13) Norethandrolone,
(14) Testosterone (in aqueous suspension),
(15) Testosterone propionate (in oil),
(16) Testosterone enanthate (in oil),
(17) Testosterone cypionate (in oil),
(18) Methyltestosterone,
(19) Dehydrochlormethyl testosterone, and
(20) Fluoxymesterone."

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved April 17 1990)

ACT 14 S.B NO 2700

A Bill for an Act Relating to the Hawaiian Homes Commission Act, 1920, as Amended

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 204, Hawaiian Homes Commission Act, 1920, as amended, is amended to read as follows:

"§204. Control by department of "available lands," return to board of land and natural resources, when[.]; other lands, use of. (a) Upon the passage of this Act, all available lands shall immediately assume the status of Hawaiian home lands and be under the control of the department to be used and disposed of in accordance with the provisions of this Act, except that

(1) In case any available land is under lease by the Territory of Hawaii, by virtue of section 73 of the Hawaiian Organic Act, at the time of the passage of this Act, such land shall not assume the status of Hawaiian home lands until the lease expires or the board of land and natural resources withdraws the lands from the operation of the lease If the land is covered by a lease containing a withdrawal clause, as provided in section 73(d) of the Hawaiian Organic Act, the board of land and natural resources shall withdraw such lands from the operation of the lease whenever the department gives notice to the board that the department is of the opinion that the lands are required by it for the purposes of this Act, and such withdrawal shall be held to be for a public purpose within the meaning of that term as used in section 73(d) of the Hawaiian Organic Act

(2) Any available land, including lands selected by the department out of a larger area, as provided by this Act, not leased as authorized by section 207(a) of this Act, may be returned to the board of land and natural resources as provided under section 212 of this Act, or may be retained for management by the department Any Hawaiian home lands general lease issued by the department after June 30, 1985, shall contain a withdrawal clause allowing the department to

withdraw the land leased at any time during the term of the lease for the purposes of this Act.

In the management of any retained available lands not required for leasing under section 207(a), the department may dispose of those lands to the public, including native Hawaiians, on the same terms, conditions, restrictions, and uses applicable to the disposition of public lands in chapter 171, Hawaii Revised Statutes; provided that the department may not sell or dispose of such lands in fee simple except as authorized under section 205 of this Act; provided further that the department is expressly authorized to negotiate, prior to negotiations with the general public, the disposition of a lease of Hawaiian home lands to a native Hawaiian, or organization or association owned or controlled by native Hawaiians, for commercial, industrial, or other business purposes, in accordance with the procedure set forth in section 171-59, Hawaii Revised Statutes, subject to the notice requirement of section 171-16(c), Hawaii Revised Statutes, and the lease rental limitation imposed by section 171-17(b), Hawaii Revised Statutes.

(3) The department, with the approval of the Secretary of the Interior, in order to consolidate its holdings or to better effectuate the purposes of this Act, may exchange the title to available lands for land, privately or publicly owned, of an equal value. All lands so acquired by the department shall assume the status of available lands as though the land were originally designated as available lands under section 203 of this Act, and all lands so conveyed by the department shall assume the status of the land for which it was exchanged. The limitations imposed by section 73(1) of the Hawaiian Organic Act and the land laws of Hawaii as to the area and value of land that may be conveyed by way of exchange shall not apply to exchanges made pursuant hereto. No such exchange of land publicly owned by the State shall be made without the approval of two-thirds of the members of the board of land and natural resources. For the purposes of this paragraph, lands "publicly owned" means land owned by a county or the State or the United States.

(b) Unless expressly provided elsewhere in this Act, lands or an interest therein acquired by the department pursuant to section 213(b)(1), 221(c), or 225(b), or any other section of this Act authorizing the department to acquire lands or an interest therein, may be managed and disposed of in the same manner and for the same purposes as Hawaiian home lands."

SECTION 2. The provisions of the amendments made by this Act to the Hawaiian Homes Commission Act, 1920, as amended, are declared to be severable and, if any section, sentence, clause, or phrase, or the application thereof to any person or circumstances is held ineffective because there is a requirement of having the consent of the United States to take effect, then that portion only shall take effect upon the granting of consent by the United States and the effectiveness of the remainder of these amendments or the application thereof shall not be affected.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 17, 1990.)

ACT 15 S.B. NO. 3114

A Bill for an Act Relating to Conformity to the Internal Revenue Code.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 235-2.3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) For all taxable years beginning after December 31, [1988,] 1989, as used in this chapter "Internal Revenue Code" means subtitle A, chapter 1 of the federal Internal Revenue Code of 1954 as amended as of December 31, [1988,] 1989, as it applies to the determination of gross income, adjusted gross income, ordinary income and loss, and taxable income except those provisions of the Internal Revenue Code and federal Public Law which pursuant to this chapter, this section, and sections 235-2.4 and 235-2.5 do not apply or are otherwise limited in application; provided that section 1202 (with respect to deductions for capital gains) of the Internal Revenue Code of 1954 as amended as of December 31, 1986, shall be operative for the purposes of this chapter until March 31, 1987, and shall apply to any capital gains properly taken before April 1, 1987, except that the deduction provided in section 1202(a) shall be fifty-five per cent of the net capital gain.

Sections 235-2, 235-2.1, and 235-2.2 shall continue to be used to determine (1) the basis of property, if a taxpayer first determined the basis of property in a taxable year to which such sections apply, and if such determination was made before January 1, 1978, and (2) gross income, adjusted gross income, ordinary income and loss, and taxable income for a taxable year to which such sections apply where such taxable year begins before January 1, 1978."

SECTION 2. Section 235-7.5, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

"(g) Election to claim certain unearned income of child on parent's return.

(1) If:
   (A) Any child to whom this section applies has gross income for the taxable year only from interest and dividends (including Alaska Permanent Fund dividends),
   (B) Such gross income is more than $500 and less than $5,000,
   (C) No estimated tax payments for such year are made in the name and social security number of such child, and no amount has been deducted and withheld under section 3406 (with respect to backup withholding) of the Internal Revenue Code, and
   (D) The parent of such child (as determined under subsection (e)) elects the application of paragraph (2),

   such child shall be treated (other than for purposes of this paragraph) as having no gross income for such year and shall not be required to file a return under this chapter.

(2) In the case of a parent making the election under this subsection:
   (A) The gross income of each child to whom such election applies (to the extent the gross income of such child exceeds $1,000) shall be included in such parent's gross income for the taxable year,

(B) The tax imposed by this section for such year with respect to such parent shall be the amount equal to the sum of:
(i) The amount determined under section 235-51 after the application of subparagraph (A), plus
(ii) For each such child, the lesser of $75 or fifteen per cent of the excess of the gross income of such child over $500.

(3) The director shall prescribe such rules as may be necessary or appropriate to carry out the purposes of this subsection."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act, upon its approval, shall apply to taxable years beginning after December 31, 1989.

(Approved April 17, 1990.)

ACT 16 S.B. NO. 3116

A Bill for an Act Relating to S Corporations.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 235, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . HAWAII S CORPORATION INCOME TAX ACT

§235-A Title; definitions; federal conformity; construction. (a) The title of this part shall be the Hawaii S corporation income tax act.

(b) For purposes of this part, the following terms shall have the following meanings:

"C corporation" means a corporation which is not an S corporation.

"Income attributable to the State" means items of income, loss, deduction, or credit of the S corporation apportioned to this State pursuant to part II of this chapter or allocated to this State pursuant to section 235-5.

"Income not attributable to the State" means all items of income, loss, deduction, or credit of the S corporation other than income attributable to the State.

"Internal Revenue Code" has the meaning set forth in section 235-2.3 and as it applies to the taxable period; section references of the Internal Revenue Code shall be deemed to refer to corresponding provisions of prior and subsequent federal tax laws.

"Post-termination transition period" means that period defined in section 1377(b)(1) of the Internal Revenue Code.

"Pro rata share" means the share determined with respect to an S corporation shareholder for a taxable period in the manner provided in section 1377(a)(1) or (2) or 1362(e)(2) or (3) or (6)(D), as the case may be, of the Internal Revenue Code.

"S corporation" means a corporation for which a valid election under section 1362(a) of the Internal Revenue Code is in effect.

"Taxable period" means any taxable year or portion of a taxable year during which a corporation is an S corporation.

(c) Except as otherwise expressly provided or clearly appearing from the context, any term used in this part shall have the same meaning as when used in a comparable context in the Internal Revenue Code, or in any statute relating to federal income taxes, in effect for the taxable period Due consideration shall be given in the interpretation of this part to applicable sections of the Internal Revenue Code in effect from time to time and to federal rulings and regulations interpreting those sections, provided the Internal Revenue Code rulings and regulations do not conflict with this part or other provisions of this chapter

(d) This part shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject matter of this part among states enacting it

§235-B Taxation of an S corporation and its shareholders. (a) An election under section 1362(a) of the Internal Revenue Code shall be effective for the purposes of this chapter Evidence of a valid election for federal purposes shall be submitted to the department in such form and at such time the department may prescribe

(b) Except as provided in the following sentence, an S corporation shall not be subject to the tax imposed by section 235-71 If income of an S corporation is subject to federal income tax, then such income as modified by section 235-C, to the extent it constitutes income attributable to the State, shall be taxed at the highest marginal rate of tax imposed on the net income of corporations If an S corporation is required to pay a tax to this State by reason of the preceding sentence, then the income attributable to the State of the S corporation shall be reduced by the amount of the tax

(c) Each shareholder's pro rata share of income attributable to the State and each resident shareholder's pro rata share of income not attributable to the State, to the extent modified pursuant to section 235-C, shall be taken into account by the shareholder in the manner provided in section 1366 of the Internal Revenue Code for the purposes of section 235-4 and shall be taxable under section 235-51

§235-C Modification and characterization of income. (a) The pro rata share of each resident and nonresident shareholder in the income attributable to the State of an S corporation, for the purposes of section 235-B(c), shall be subject to the modifications to corporate income provided by this chapter

(b) The pro rata share of each resident shareholder in the income not attributable to the State of an S corporation, for the purposes of section 235-B(c), shall be subject to the modifications to individual income provided by this chapter

(c) S corporation items taken into account by a shareholder pursuant to section 235-B(c) shall be characterized as though received or incurred by the corporation and not its shareholder

§235-D Basis and adjustments. (a) The initial basis of a resident shareholder in the stock of an S corporation and in any indebtedness of the corporation owed to the shareholder shall be determined in the manner provided under the Internal Revenue Code. The initial basis shall be determined as of the last to occur of the date (which may be before the effective date of this part) on which

(1) The shareholder last became a resident of this State;
(2) The shareholder acquired the stock or the indebtedness of the corporation; or
(3) The corporation became an S corporation

(b) The initial basis of a resident shareholder in the stock and indebtedness of an S corporation shall be adjusted after the date specified in subsection (a) in the manner and to the extent required by section 1011 of the Internal Revenue Code except that, with respect to any taxable period during which the shareholder was a resident of this State:

(1) Any modification made (other than for income exempt from federal or this State's taxation) pursuant to section 235-C shall be taken into account; and

(2) Any adjustments made pursuant to section 1367 of the Internal Revenue Code for a taxable period during which this State did not measure S corporation shareholder income by reference to the corporation's income shall not be taken into account.

(c) The initial basis of a nonresident shareholder in the stock of an S corporation and in any indebtedness of the corporation to the shareholder shall be zero. The initial basis shall be determined as of the last to occur of the date (which may be before the effective date of this part) on which:

(1) The shareholder acquired the stock or the indebtedness of the corporation;

(2) The corporation became an S corporation; or

(3) The shareholder last became a nonresident of this State.

(d) The initial basis of a nonresident shareholder in the stock and indebtedness of an S corporation shall be adjusted after the date specified in subsection (c) in the manner provided in section 1367 of the Internal Revenue Code, except that adjustments to basis shall be limited to the income attributable to the State taken into account by the shareholder pursuant to section 235-B(c). In computing income attributable to the State for purposes of the preceding sentence, any modification made for income exempt from federal or this State's taxation shall not be taken into account.

(e) The basis of a resident shareholder in the stock of a corporation shall be reduced by the amount allowed as a loss or deduction pursuant to section 235-E(d).

(f) The basis of a resident shareholder in the stock of a corporation shall be reduced by the amount of any cash distribution which is not taxable to the shareholder as a result of the application of section 235-G(b).

(g) For purposes of this section, a shareholder shall be considered to have acquired stock or indebtedness received by gift at the time the donor acquired the stock or indebtedness, if the donor was a resident of this State at the time of the gift.

§235-E Carryforwards and carrybacks; loss limitation. (a) Carryforwards and carrybacks to and from taxable periods of an S corporation shall be restricted in the manner provided in section 1371(b) of the Internal Revenue Code.

(b) The aggregate amount of losses or deductions of an S corporation taken into account by a shareholder pursuant to section 235-B(c) shall not exceed the combined adjusted bases, determined in accordance with section 235-D, of the shareholder in the stock and indebtedness of the S corporation.

(c) Any loss or deduction which is disallowed for a taxable period pursuant to subsection (b) shall be treated as incurred by the corporation in the succeeding taxable period with respect to the shareholder.

(d) (1) Any loss or deduction which is disallowed pursuant to subsection (b) for the corporation's last taxable period as an S corporation shall be treated as incurred by a shareholder on the last day of any post-termination transition period.

(2) The aggregate amount of losses and deductions taken into account by a shareholder pursuant to paragraph (1) shall not exceed the adjusted basis of the shareholder in the stock of the corporation (determined in accordance with section 235-D at the close of the last day of any post-termination transition period and without regard to this subsection)

§235-F Part-year residence. For purposes of this part if a shareholder of an S corporation is both a resident and nonresident of this State during any taxable period, the shareholder's pro rata share of the S corporation's income attributable to the State and income not attributable to the State for the taxable period shall be further prorated between the shareholder's periods of residence and nonresidence, in accordance with the number of days in each period

§235-G Distributions. (a) Subject to subsection (c), a distribution made by an S corporation with respect to its stock to a resident shareholder shall be taken into account by the shareholder for purposes of section 235-4 and shall be taxable under section 235-51 to the extent that the distribution is treated as a dividend or as gain from the sale or exchange of property pursuant to section 1368 of the Internal Revenue Code.

(b) Subject to subsection (c), a distribution of money made by a corporation with respect to its stock to a resident shareholder during a post-termination transition period shall not be taken into account by the shareholder for purposes of section 235-4 to the extent the distribution is applied against and reduces the adjusted basis of the stock of the shareholder in accordance with section 1371(e) of the Internal Revenue Code

(c) In applying sections 1368 and 1371(e) of the Internal Revenue Code to any distribution referred to in subsection (a) or (b)

(1) The term "adjusted basis of the stock" means the adjusted basis of the shareholder's stock as determined under section 235-D, and

(2) The accumulated adjustments account for this State shall be equal to, and shall be adjusted in the same manner as, the S corporation's accumulated adjustments account defined in section 1368(e)(1)(A) of the Internal Revenue Code, except that the account shall also be adjusted by any modifications required to be made pursuant to section 235-C(a)

§235-H Returns; shareholder agreements; mandatory payments. (a) An S corporation which engages in activities in this State which would subject a C corporation to the requirement to file a return under section 235-92 shall file with the department an annual return, in the form prescribed by the department, on or before the due date prescribed for the filing of C corporation returns by section 235-97.

Every S corporation shall make a return for each taxable year, stating specifically the items of its gross income and the deductions allowable by this chapter, the name, address, and social security or federal identification number of each person owning stock in the corporation at any time during the taxable year, the number of shares of stock owned by each shareholder at all times during the taxable year, the income attributable to the State and income not attributable to the State with respect to each shareholder as determined under this part, the modifications required by section 235-C, the amount of money and other property distributed by the corporation during the taxable year to each shareholder, the date of each such distribution, and such other information as the department may by form or rule prescribe.

The S corporation, on or before the day on which such return is filed, shall furnish to each person who was a shareholder during the year a copy of the information shown on the return as the department may by form or rule prescribe. Any return filed pursuant to this section, for purposes of sections 235-111 and 235-112, shall be treated as a return filed by the corporation under section 235-92. The S corporation shall also maintain the accumulated adjustments account described in section 235-G(c)(2).

(b) The department shall permit S corporations to file composite returns and to make composite payments of tax on behalf of some or all of its nonresident shareholders. The department may permit composite returns and payments to be made on behalf of resident shareholders.

(c) An S corporation shall file with the department, in the form prescribed by the department, the agreement of each nonresident shareholder of the corporation:

(1) To file a return and make timely payment of all taxes imposed by this State on the shareholder with respect to the income of the S corporation; and

(2) To be subject to personal jurisdiction in this State for purposes of the collection of unpaid income tax, together with related interest and penalties.

If the corporation fails to timely file the agreements required by paragraphs (1) and (2) on behalf of each of its nonresident shareholders, then the corporation, at the times set forth in subsection (d), shall pay to this State on behalf of each nonresident shareholder in respect of whom an agreement has not been timely filed an amount equal to the highest marginal tax rate in effect under section 235-51 multiplied by the amount of the shareholder's pro rata share of the income attributable to the State reflected on the corporation's return for the taxable period. An S corporation shall be entitled to recover a payment made pursuant to the preceding sentence from the shareholder on whose behalf the payment was made.

(d) The agreements required to be filed pursuant to subsection (c) shall be filed at the following times:

(1) At the time the annual return is required to be filed for the first taxable period for which the S corporation became subject to this part, and

(2) At the time the annual return is required to be filed for any taxable period in which the corporation had a nonresident shareholder on whose behalf such an agreement has not been previously filed.

(e) Any amount paid by the corporation to this State pursuant to subsection (b) or (c) shall be considered to be a payment by the shareholder on account of the income tax imposed on the shareholder for the taxable period.

(f) Any officer of any S corporation who wilfully fails to provide any information, file any return or agreement, make any payment, or maintain any account as required by this section or by section 231-15.6 shall be guilty of a misdemeanor.

§235-I Tax credits. (a) For purposes of section 235-55, each resident shareholder shall be considered to have paid a tax imposed on the shareholder in an amount equal to the shareholder's pro rata share of any net income tax paid by the S corporation to a state which does not measure the income of S corporation shareholders by the income of the S corporation. For purposes of the preceding sentence, the term "net income tax" means any tax imposed on or measured by a corporation's net income.

(b) Each shareholder of an S corporation shall be allowed a credit against the tax imposed by section 235-51 in an amount equal to the shareholder's pro rata share of the tax credits described in sections 209E-10, 235-12, 235-71(c), 235-110.6, 235-110 7, and 235-110.8. With the exception of the credit allowed by section 235-12, nonresident shareholders shall be allowed the credits allowed to resident shareholders which are earned by the S corporation in this State. The credit allowed by section 235-12 shall be allowed to nonresident shareholders to the extent the credit is earned by virtue of property purchased and placed in service in this State

§235-J LIFO recapture. If an S corporation is subject to last in first out (LIFO) recapture pursuant to section 1363 of the Internal Revenue Code, then

(1) Any increase in the tax imposed by section 235-71 by reason of the inclusion of the LIFO recapture amount in its income shall be payable in four equal installments,

(2) The first installment shall be paid on or before the due date (determined without regard to extensions) for filing the return for the first taxable year for which the corporation was subject to the LIFO recapture,

(3) The three succeeding installments shall be paid on or before the due date (determined without regard to extensions) for filing the corporation's return for the three succeeding taxable years, and

(4) For purposes of computing interest on underpayments, the last three installments shall not be considered underpayments until after the payment due date specified above."

SECTION 2 Section 235-2.4, Hawaii Revised Statutes, is amended by amending subsection (n) to read as follows

"(n) Subchapter S (sections 1361 to 1379) (with respect to tax treatment of S corporations and their shareholders) of chapter 1 of the Internal Revenue Code shall be operative for the purposes of this chapter [subject to the following

(1) The term S corporation as defined in section 1361 of the Internal Revenue Code means a corporation which does not have a resident who is an individual who has taken up residence in the State after attaining the age of sixty-five years and before July 1, 1976, and who is taxed under this chapter only on the basis of income received or derived from property owned, personal services performed, trade or business carried on, and any and every other source in the State, unless the individual resident shall have waived the benefit of section 3, Act 60, Session Laws of Hawaii 1976, as to income includible in the individual's gross income under this chapter and as to such gross income shall have consented to the taxation thereof in the same manner as if the individual had taken up residence in the State after June 30, 1976.

(2) An election under section 1362 of the Internal Revenue Code shall not be effective for any taxable year of the corporation unless there is also in effect for such taxable year an election for federal income tax purposes under subchapter S of chapter 1 of the Internal Revenue Code

(3) The tax imposed by section 1374 of the Internal Revenue Code is hereby imposed by this chapter at an amount equal to 6.4 per cent of the net recognized built-in gain.

(4) The tax imposed by section 1375(a) of the Internal Revenue Code is hereby imposed by this chapter at an amount equal to 6.4 per cent of the amount of the excess net passive income for the taxable year.] as provided in part ."

SECTION 3. Section 235-97, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) (1) Individuals and corporations, but not estates or trusts, shall annually furnish the department of taxation with a declaration of estimated tax for the current taxable year. Declarations of estimated tax shall, except as otherwise provided by regulation, be governed by the provisions as to returns contained in sections 235-94, [235-94.5,] 235-98, and 235-99. The declaration shall be filed, in the case of individuals on the calendar year basis on or before April 20, and in the case of corporations on the calendar year basis on or before September 20. In the case of a husband and wife who are entitled to make a joint declaration for federal purposes, a single declaration may be made by them jointly, in which case the liability with respect to the estimated tax shall be joint and several; if a joint declaration is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either the husband or the wife or may be divided between them.

(2) Each individual shall transmit, with the individual's declaration, payment of one-quarter of the estimated tax for the current taxable year. In determining this quarterly payment and all other installments, there first shall be deducted from the total estimated tax the amount of estimated tax withholding or collection at source for the taxable year. Thereafter, on the twentieth day of June and September, the individual shall pay one-quarter of the estimated tax. The fourth quarter of the estimated tax shall be paid by January 20 of the year following the taxable year for which the estimate was made.

(3) Each corporation shall transmit, with its declaration, payment of one-half of the estimated tax for the current taxable year. The second half of the estimated tax shall be paid by January 20 of the year following the taxable year for which the estimate was made.

(4) Individuals and corporations operating on a fiscal year basis shall make similar estimates and tax payments, on or before the twentieth day of the fourth month of the fiscal year in the case of individuals and the ninth month of the fiscal year in the case of corporations, and periodically thereafter so as to conform to the payments and returns required in the case of those on a calendar year basis.

(5) The department may by regulation excuse individuals from filing an estimate in those cases where the gross income and exemptions are such that no tax is expected to accrue under this chapter, or are such that substantially all the tax will be collected through tax withholding or at the source, or are such that the total estimated tax is less than $40 after deducting the total estimated credits allowed.

(6) In the case of a foreign corporation, the department may excuse the filing of an estimate and the payment of estimated tax if it is satisfied that less than fifteen per cent of the corporation's business for the taxable year will be attributable to the State. For the purposes of this

paragraph, fifteen per cent of a corporation's business shall be deemed attributable to the State if fifteen per cent or more of the entire gross income of the corporation (which for the purposes of this paragraph means gross income computed without regard to source in the State) is under section 235-5 and the other provisions of this chapter attributable to the State

(7) In the case of a domestic corporation whose tax liability is less than $40, the department may excuse the filing of an estimate and the payment of estimated tax "

SECTION 4 Section 235-94.5, Hawaii Revised Statutes, is repealed

SECTION 5 In codifying the new part added to chapter 235, Hawaii Revised Statutes, by section 1 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in the new sections' designations in this Act.

SECTION 6 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 7. This Act, upon its approval, shall apply to taxable years beginning after December 31, 1989

(Approved April 17 1990)

Note

1 Edited pursuant to HRS §23G-16 5

ACT 17 S.B. NO 3122

A Bill for an Act Relating to Certifications for Tax Exemptions.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 235-1, Hawaii Revised Statutes, is amended by amending the definition of "person totally disabled" to read as follows

" "Person totally disabled" means a person who is totally and permanently disabled, either physically or mentally, which results in the person's inability to engage in any substantial gainful business or occupation

The disability shall be certified to by (1) a physician licensed under chapter 453 or 460, or both, (2) a qualified out-of-state physician who is currently licensed to practice in the state in which the physician resides, or (3) a commissioned medical officer in the United States Army, Navy, Marine Corps, or Public Health Service, engaged in the discharge of one's official duty. Certification shall be on forms prescribed by the department of taxation "

SECTION 2 New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval.

(Approved April 17 1990)

ACT 18 H.B. NO. 1159

A Bill for an Act Relating to Anatomical Gift Designations.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that a person wishing to make an anatomical gift upon the person's death must obtain an organ donor sticker from a foundation, hospital, or charitable organization to affix to the person's driver's license. This process is very time consuming and discourages potential donors. To encourage more organ donations, the legislature finds that the examiner of drivers should request organ donor information from each applicant at the time of application for a driver's license or license renewal and imprint directly onto the license, in code, whether the licensee is an organ donor. The purpose of this Act is to provide for the implementation of this anatomical gift designation system.

SECTION 2. Section 286-109.5, Hawaii Revised Statutes, is amended to read as follows:

"**[|||§286-109.5[|| Designation of anatomical gift.** [The director of transportation shall provide a method permitting a person making application for a driver's license, or renewal thereof, to designate that the person, pursuant to the Uniform Anatomical Gift Act, is a donor of body organs or parts upon the person's death. Upon such designation, the examiner of drivers shall make a suitable notation upon the license indicating that the person is a donor.] The examiner of drivers shall design and implement a system to request anatomical gift information from all applicants for a driver's license or license renewal, at the time of application, including a method of directly imprinting on a license an applicant's designation of whether the applicant wishes to be an organ donor. The request shall elicit whether the applicant wishes to be an organ donor in the event of the applicant's death."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 1990.

(Approved April 17, 1990.)

ACT 19 H.B. NO. 2020

A Bill for an Act Relating to Probate.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 560:3-601, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) To be entitled to serve as a personal representative in this State:
(1) A natural person must be eighteen years of age or above and be a resident of this State; provided that a nonresident may be eligible to

serve as a personal representative in this State if the nonresident submits to the jurisdiction of the Hawaii state courts, and

(2) A corporation must be actually engaged in doing business in this State."

SECTION 2 New statutory material is underscored.

SECTION 3 This Act shall take effect upon its approval

(Approved April 17, 1990.)

ACT 20 H B. NO. 2753

A Bill for an Act Relating to Permits.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 607-25, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows

"(c) For purposes of this section, the permits or approvals required by law shall include compliance with the requirements for permits or approvals established by chapters 6E, 46, 54, 171, 174C,[1] [176D, 177,] 180C, 183, 184, 195, 195D, 205, 205A, 266, [342,] 342B, 342D, 342F, 342H, 342J, 342L, 342N, and 343 and ordinances or rules adopted pursuant thereto under chapter 91."

SECTION 2 Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3 This Act shall take effect upon its approval

(Approved April 17, 1990.)

Note

1 So in original

ACT 21 S.B NO 2668

A Bill for an Act Relating to the Office of Auditor Proper

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 23-4, Hawaii Revised Statutes, is amended to read as follows

"**§23-4 Duties.** (a) The auditor shall conduct postaudits of the transactions, accounts, programs and performance of all departments, offices, and agencies of the State and its political subdivisions. The postaudits and all examinations to discover evidence of any unauthorized, illegal, irregular, improper, or unsafe handling or expenditure of state funds, or other improper practice of financial administration shall be conducted at least once in every two years after the close of a fiscal year, and at such other time or times during the fiscal year as the auditor shall deem necessary or as may be required by the legislature for the purpose of certifying to the accuracy of all financial statements

issued by the respective accounting officers and of determining the validity of expenditures of state or public funds.

[(b) The auditor shall serve as liaison between the legislature and the federal government and shall report to the legislature at least annually on such matters as should be considered by the legislature pertaining to the relationship between the state and federal governments.

(c)] (b) The auditor shall review all rules submitted to it as provided in section 91-4.1.

[(d)] (c) The auditor shall maintain and keep current a compilation of all rules [and regulations] adopted pursuant to chapter 91."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 17, 1990.)

ACT 22 S.B. NO. 2711

A Bill for an Act Relating to Historic Properties.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Findings and purpose. The legislature finds that the full recognition and protection of the unique cultural values of the multi-ethnic peoples of Hawaii are directly affected by historic preservation decisions. Of particular sensitivity to each group is the impact and response of such governmental decisions on the cultural values related to the treatment and protection of burials, including those in historic cemeteries.

All human skeletal remains and burial sites within the State of Hawaii are entitled to equal protection under the laws regardless of race, religion, or cultural origin. The public has a vital interest in the proper disposition of the bodies of its deceased members, which is in the nature of a sacred trust for the benefit of all, and therefore the legislature reaffirms the common law rule that a land owner knowingly in possession of human skeletal remains cannot own the remains but merely holds the same in trust for descendants, who have the right to possession for purposes of proper cultural preservation or reinterment.

The purpose of this Act is to augment current procedures relating to the proper care and protection of burial sites found in cemeteries.

SECTION 2. Section 6E-41, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"**[]§6E-41[] Cemeteries; removal or redesignation.**[1] (a) Any person removing or redesignating any cemetery shall comply with the following requirements:

(1) Publish a notice in a newspaper of general circulation in the State, requesting persons having information concerning the cemetery or persons buried in it to report that information to the department;

(2) Photograph the cemetery generally, and take separate photographs of all headstones located in the cemetery;

(3) Turn over to the department all photographs and any other relevant historical records, [and]
(4) Move all headstones to the place of reinterment[.], and
(5) Obtain the written concurrence of the department prior to any removal or redesignation if the cemetery has existed for more than fifty years."

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored.

SECTION 4 This Act shall take effect upon its approval.

(Approved April 17, 1990)

Note

1 So in original

ACT 23

S B. NO. 3423

A Bill for an Act Relating to Fences

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that the current minimum height for fences enclosing animals (four and a half feet) is unnecessary. Standard hog wire with a standard height of four feet will stop most animals. Present law requires additional expenses for labor and material to string another wire above the hog wire but which the livestock industry considers unnecessary. The purpose of this Act is to require fences to be only four feet high

SECTION 2 Section 142-61, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows

"(a) Every fence made of stone, posts and rails, posts and boards, posts and wire, or other suitable materials shall be a lawful fence, provided that it is not less than four [and a half] feet in height, substantially built, strong and close, existing in good state of repair, and capable of turning either all stock or all stock excepting swine, attempting to pass through the fence."

SECTION 3 Statutory material to be repealed is bracketed

SECTION 4 This Act shall take effect upon its approval.

(Approved April 17, 1990)

ACT 24

H B NO 2487

A Bill for an Act Relating to the Hawaiian Homes Commission Act, 1920, as Amended

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 221, Hawaiian Homes Commission Act, 1920, as amended, is amended to read as follows:

"§221. **Water.** (a) When used in this section:

(1) The term "water license" means any license issued by the board of land and natural resources granting to any person the right to the use of government-owned water; and

(2) The term "surplus water" means so much of any government-owned water covered by a water license or so much of any privately owned water as is in excess of the quantity required for the use of the licensee or owner, respectively.

(b) All water licenses issued after the passage of this Act shall be deemed subject to the condition, whether or not stipulated in the license, that the licensee shall, upon the demand of the department, grant to it the right to use, free of all charge, any water which the department deems necessary adequately to supply the livestock, aquaculture operations, agriculture operations, or domestic needs of individuals upon any tract.

(c) In order adequately to supply livestock, the aquaculture operations, the agriculture operations, or the domestic needs of individuals upon any tract, the department is authorized (1) to use, free of all charge, government-owned water not covered by any water license or covered by a water license issued after the passage of this Act or covered by a water license issued previous to the passage of this Act but containing a reservation of such water for the benefit of the public, and (2) to contract with any person for the right to use or to acquire, under eminent domain proceedings similar, as near as may be, to the proceedings provided in respect to land by sections 101-10 to 101-34, Hawaii Revised Statutes, the right to use any privately owned surplus water or any government-owned surplus water covered by a water license issued previous to the passage of this Act, but not containing a reservation of such water for the benefit of the public. Any such requirement shall be held to be for a public use and purpose. The department may institute the eminent domain proceedings in its own name.

(d) The department is authorized, for the additional purpose of adequately irrigating any tract, to use, free of all charge, government-owned surplus water tributary to the Waimea river upon the island of Kauai, not covered by a water license or covered by a water license issued after July 9, 1921. Any water license issued after that date and covering any such government-owned water shall be deemed subject to the condition, whether or not stipulated therein, that the licensee shall, upon the demand of the department, grant to it the right to use, free of all charge, any of the surplus water tributary to the Waimea river upon the island of Kauai, which is covered by the license and which the department deems necessary for the additional purpose of adequately irrigating any tract.

Any funds which may be appropriated by Congress as a grant-in-aid for the construction of an irrigation and water utilization system on the island of Molokai designed to serve Hawaiian home lands, and which are not required to be reimbursed to the federal government, shall be deemed to be payment in advance by the department and lessees of the department of charges to be made to them for the construction of such system and shall be credited against such charges when made.

(e) All rights conferred on the department by this section to use, contract for, or acquire the use of water shall be deemed to include the right to use, contract for, or acquire the use of any ditch or pipeline constructed for the distribution and control of such water and necessary to such use by the department.

(f) Water systems in the exclusive control of the department shall remain under its exclusive control; provided that the department may negotiate an agreement to provide for the maintenance of the water system and the billing and

collection of user fees If any provision or the application of that provision is inconsistent with provisions contained in this section, this section shall control

Water systems include all real and personal property together with all improvements to such systems acquired or constructed by the department for the distribution and control of water for domestic or agricultural use "

SECTION 2 The provisions of this amendment are declared to be severable and, if any section, sentence, clause, or phrase or the application thereof to any person or circumstances is held ineffective because there is a requirement of having the consent of the United States to take effect, then, that portion only shall take effect upon the granting of consent by the United States and the effectiveness of the remainder of this amendment or the application thereof shall not be affected

SECTION 3 New statutory material is underscored.

SECTION 4 This Act shall take effect upon its approval.

(Approved April 17, 1990)

ACT 25 H B NO. 2490

A Bill for an Act Relating to Employment Security

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 383-29, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows.

"(d) Benefits shall not be paid on the basis of services performed by an alien unless the alien is an individual who [has been] <u>was</u> lawfully admitted for permanent residence <u>at the time those services were performed, was lawfully present for purposes of performing those services,</u> or otherwise [is] <u>was</u> permanently residing in the United States under color of law <u>at the time those services were performed</u> (including an alien who [is] <u>was</u> lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act). Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of the individual's alien status shall be made except upon a preponderance of the evidence "

SECTION 2 Statutory material to be repealed is bracketed. New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved April 17 1990)

ACT 26 H.B. NO. 2638

A Bill for an Act Relating to Public Contracts.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 103-22, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) No expenditure of public money where the sum to be expended is [$8,000] $15,000 or more shall be made except under contract let after public advertisement for sealed tenders, in the manner provided by law, except:

(1) Salaries or pay of officers or employees;
(2) Permanent settlements, subsidies or other claims or objects for which a fixed sum must be paid by law;
(3) For other purposes which do not admit of competition;
(4) For the purchase of materials or supplies from any other department, bureau, organization, [or municipal] or political subdivision of the federal, state, [municipal] or county governments, other than University of Hawaii bookstores;
(5) For the performance of public work or contracts by any other [such] department, bureau, organization, [or municipal] or political subdivision of the federal, state, [municipal] or county governments; or
(6) Emergency replacement of existing medical diagnostic and therapeutic equipment for the division of community hospitals of the department of health.

(b) In all cases of expenditures of public money that [is] are more than [$4,000] $8,000 but less than [$8,000,] $15,000, a call for informal bids shall be published at least once in a newspaper of general circulation printed and published within the State; provided that:

(1) In the case of public works or repairs and maintenance of buildings, roads, and other site improvements where the expenditure is more than [$4,000] $8,000 but less than [$15,000,] $25,000, a call for informal bids shall be published at least once in a newspaper of general circulation printed and published within the State; and
(2) In the case of the repair of publicly owned or leased heavy equipment, automotive equipment, sewage treatment plants, utility lines, and for emergency roadway work, in which the expenditure is more than [$4,000] $8,000 but less than [$10,000,] $15,000, the expenditure may be made without public advertisement for sealed tenders or a call for informal bids. For the purposes of this subsection, "emergency roadway work" means roadway or structural repairs requiring immediate attention to protect the safety and welfare of motorists, pedestrians, or neighboring residents, or safeguard highway facilities and adjoining properties."

SECTION 2. This Act shall not affect any contracts entered into before its effective date.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4 This Act shall take effect upon its approval

(Approved April 17 1990)

ACT 27 H B NO 2269

A Bill for an Act Relating to Organized Crime

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature recognizes that as Hawaii has become a profitable site for investments from outside the State, the State has become attractive to organized crime Organized crime is most often associated with the illegitimate world of street crime—the world of thugs, gamblers, prostitutes, thieves, and drug dealers Organized crime's greatest potential for damage, however, occurs when a "link" is formed between the illegitimate world of street crime and the power centers of legitimate society This link occurs when organized crime draws revenue from illicit activities such as gambling and drugs and invests its proceeds in legitimate enterprises, using the advantages of large capital, ties with government, and selective intimidation to construct monopolies in various industries and services Money from illicit sources as well as terror and violence, is used to infiltrate, control, and profit from legal institutions

The legislature finds that foreign criminal elements have been implicated in criminal activity in America, particularly, in the lucrative international narcotics trade

The legislature recognizes that foreign organized crime factions could have links to outside investments in this State In order to protect the interests of the State and our citizens from this threat, our laws addressing the activities of organized crime must make clear that nonresident aliens are subject to the prohibitions and penalties of the law One of the most effective penalties against organized crime is the forfeiture of assets obtained as the fruits of criminal activity

The purpose of this Act is to emphasize that the penalty of forfeiture under Hawaii's organized crime law applies equally to residents and nonresidents alike who engage in prohibited criminal activities such as racketeering, extortion, gambling, drug trafficking, prostitution, pornography, and gang violence

SECTION 2 Section 842-1, Hawaii Revised Statutes, is amended by amending the definition of "person" to read

" "Person" includes any individual or entity capable of holding a legal or beneficial interest in property[ ] and includes nonresident aliens "

SECTION 3 Section 842-3, Hawaii Revised Statutes, is amended to read as follows

"§842-3 Penalty; forfeiture of property. [Whoever] Any person who violates this chapter shall be guilty of a class B felony and shall be fined not more than $10,000, or sentenced to an indeterminate term of imprisonment of ten years without possibility of suspension of sentence or probation, and shall forfeit to the State any interest or property acquired or maintained in violation of this chapter as provided in chapter 712A "

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved April 18, 1990.)

ACT 28 H.B. NO. 2799

A Bill for an Act Relating to the Theft of Livestock.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 708, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§708- Theft of livestock.** (1) A person commits the offense of theft of livestock if the person commits theft by having in the person's possession a live animal of the bovine, equine, swine, or sheep species, or its carcass or meat, while in or upon premises which the person knowingly entered or remained unlawfully in or upon, and which are fenced or enclosed in a manner designed to exclude intruders, or by having in the person's possession such live animal, carcass, or meat in any other location.

(2) Theft of livestock is a class C felony.

(3) A person convicted of committing the offense of theft of livestock shall be sentenced in accordance with chapter 706, except that for a first offense the court shall impose a minimum sentence of a fine of at least $1,000 or restitution, whichever is greater."

SECTION 2. Section 706-606.5, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) Notwithstanding section 706-669 and any other law to the contrary, any person convicted of murder in the second degree, any class A felony, any class B felony, or any of the following class C felonies: section 707-703 relating to negligent homicide in the first degree; 707-711 relating to assault in the second degree; 707-713 relating to reckless endangering in the first degree; 707-716 relating to terroristic threatening in the first degree; 707-721 relating to unlawful imprisonment in the first degree; 707-732 relating to sexual assault or rape in the third degree; 707-735 relating to sodomy in the third degree; 707-736 relating to sexual abuse in the first degree; 707-751 relating to promoting child abuse in the second degree; 707-766 relating to extortion in the second degree; 708-811 relating to burglary in the second degree; 708-821 relating to criminal property damage in the second degree; 708-831 relating to theft in the first degree as amended by Act 68, Session Laws of Hawaii 1981; 708-831 relating to theft in the second degree; 708- relating to theft of livestock; 708-852 relating to forgery in the second degree; 708-854 relating to criminal possession of a forgery device; 710-1031 relating to intimidation of a correctional worker; 710-1071 relating to intimidating a witness; 711-1103 relating to riot; 712-1203 relating to promoting prostitution in the second degree; 712-1221 relating to gambling in the first degree; 712-1224 relating to possession of gambling records in the first degree; 712-1243 relating to promoting a dangerous drug in the third degree; 712-1247 relating to promoting a detrimental drug in the first degree; 134-7 relating to

ownership or possession of firearms or ammunition by persons convicted of certain crimes, 134-8 relating to ownership, etc , of prohibited weapons 134-9 relating to permits to carry, or who is convicted of attempting to commit murder in the second degree, any class A felony, any class B felony, or any of the class C felony offenses enumerated above and who has a prior conviction or prior convictions for the following felonies, including an attempt to commit the same murder, murder in the first or second degree, a class A felony, a class B felony, any of the class C felony offenses enumerated above, or any felony conviction of another jurisdiction shall be sentenced to a mandatory minimum period of imprisonment without possibility of parole during such period as follows

(a) One prior felony conviction
  (i) Where the instant conviction is for murder in the second degree or attempted murder in the second degree—ten years,
  (ii) Where the instant conviction is for a class A felony—six years, eight months
  (iii) Where the instant conviction is for a class B felony—three years, four months,
  (iv) Where the instant conviction is for a class C felony offense enumerated above—one year, eight months,

(b) Two prior felony convictions
  (i) Where the instant conviction is for murder in the second degree or attempted murder in the second degree—twenty years,
  (ii) Where the instant conviction is for a class A felony—thirteen years, four months,
  (iii) Where the instant conviction is for a class B felony—six years, eight months,
  (iv) Where the instant conviction is for a class C felony offense enumerated above—three years, four months,

(c) Three or more prior felony convictions
  (i) Where the instant conviction is for murder in the second degree or attempted murder in the second degree—thirty years,
  (ii) Where the instant conviction is for a class A felony—twenty years,
  (iii) Where the instant conviction is for a class B felony—ten years,
  (iv) Where the instant conviction is for a class C felony offense enumerated above—five years "

SECTION 3 Section 708-831, Hawaii Revised Statutes, is amended to read as follows

"**§708-831 Theft in the second degree.** (1) A person commits the offense of theft in the second degree if the person commits theft

(a) By obtaining property from the person of another
(b) Of property or services the value of which exceeds $300,
(c) Of a firearm, or
(d) Of dynamite or other explosive[
(e) By having in the person's possession a live animal or the carcass or meat, of the bovine, equine swine, or sheep species, while in or upon premises which the person entered knowingly or remained unlawfully in or upon, and which are fenced or enclosed in a manner designed to exclude intruders or by having in the person's possession such live animal, carcass, or meat in any other location]

(2) Theft in the second degree is a class C felony."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.[1]

SECTION 5. This Act shall take effect upon its approval.

(Approved April 18, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 29 H.B. NO. 3274

A Bill for an Act Relating to Service of Process.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 634-36, Hawaii Revised Statutes, is amended to read as follows:

"**§634-36 Manner of service under sections 634-33 to 35.** When service of summons is provided for by section 634-33, 634-34, or 634-35, service shall be made by service upon the defendant personally by any person authorized to serve process in the place in which the defendant may be found or appointed by the court for the purpose, or sent by certified [or], registered, or express mail, postage prepaid, with return receipt requested, by the plaintiff or the plaintiff's attorney to the defendant. The plaintiff or the plaintiff's attorney shall file the return of the serving officer or an affidavit showing that the copy of summons and complaint were served as aforesaid or sent by certified [or], registered, or express mail as aforesaid, and in the latter case the return receipt signed by the defendant shall be filed with the affidavit. The service shall be [deemed] complete upon delivery of the required papers to the defendant outside the State, personally or by mail as provided.

If the defendant cannot be found to serve or mail the summons and the facts shall appear by affidavit or otherwise to the satisfaction of the court, it may order that service be made by publication of summons in at least one newspaper published in the State and having a general circulation in the circuit in which the action has been instituted, in such manner and for such time as the court may order, but not less than once each week in four successive weeks, the last publication to be not less than twenty-one days prior to the return date stated therein unless a different time is prescribed by order of the court."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 18, 1990.)

ACT 30

S B NO 3151

A Bill for an Act Relating to the Hawaii Housing Authority.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 359-123, Hawaii Revised Statutes, is amended to read as follows

"§359-123 Qualified tenant defined. As used in this part, the term "qualified tenant" [does] shall not include persons determined to be eligible for aid through the Federal Supplemental Security Income Program or its successor [agency], or persons receiving money payments for public assistance from the department of [social services and housing] human services Otherwise, "qualified tenant" means

(1) Any single person who has attained the age of sixty-two or who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment[, and]; or

(2) Any family,

provided [such] that the single person or family has, pursuant to criteria and procedures established by the Hawaii housing authority, been determined to have an income which would qualify the tenant for occupancy in housing provided by section 221(d)(3) of the National Housing Act or to have a lesser income[ ], and provided further that the qualified tenant's primary place of residence shall be in the State of Hawaii or that the qualified tenant intends to make the State of Hawaii their primary place of residence The terms "qualified tenant" and "tenant" include a member of a cooperative who satisfies the foregoing requirements and who, upon resale of the member's membership to the cooperative, will not be reimbursed for more than fifty per cent of any equity increment accumulated through payments under this part With respect to members of a cooperative, the terms "rental" and "rental charges" mean the charges under the occupancy agreements between such members and the cooperative "

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval, provided that the residency requirements shall take effect on July 1, 1990

(Approved April 20, 1990)

ACT 31

H B NO 2820

A Bill for an Act Relating to Unclaimed Property

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Part I, Chapter 523A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows.

"§523A- Property originated or issued by this State, any political subdivision, or any entity incorporated, organized, or created in this State. (a) All

intangible property, including but not limited to any interest, dividend, or other earnings thereon, less any lawful charges, held by a business association, federal, state, or local government, or governmental subdivision, agency or entity, or any other person or entity, regardless of where the holder may be found, if the owner has not claimed or corresponded in writing concerning the property within three years after the date prescribed for payment or delivery, shall be presumed abandoned and shall be subject to the custody of this State as unclaimed property if:

(1) The address of the owner is unknown; and

(2) The person or entity originating or issuing the intangible property is this State or any political subdivision of this State or is incorporated, organized, or created in this State.

(b) Subsection (a) shall not apply to property which is or may be presumed abandoned and subject to the custody of this State pursuant to any other provision of law containing a dormancy period different from that prescribed in subsection (a).

(c) Subsection (a) shall apply to all property held at the time of enactment, or at any time thereafter, regardless of when the property became or becomes presumptively abandoned."

SECTION 2. Part II, Chapter 523A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§523A- State rights not affected.** (a) Notwithstanding any other provision of law, the right of the State to maintain an action and to recover presumptively abandoned property and the obligation of the federal government, or any federal agency, entity, officer, or appointee thereof, to comply with the requirements contained in sections 523A-1 to 523A-64 shall not be affected by any state failure to adhere to sections 523A-54 to 523A-64.

(b) Subsection (a) shall apply to all property held at the time of enactment, or at any time thereafter, regardless of when the property became or becomes presumptively abandoned."

SECTION 3. New statutory material is underscored.[1]

SECTION 4. This Act shall take effect upon its approval.

(Approved April 23, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 32 H.B. NO. 2953

A Bill for an Act Relating to Vehicle Weight.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 291-35, Hawaii Revised Statutes, is amended to read as follows:

"**§291-35 Gross weight, axle, and wheel loads.** No motor vehicle or other power vehicle or combination of such vehicles equipped wholly with pneumatic

tires, which has a total gross weight, including vehicle and load, an axle load or a wheel load in excess of the limits set forth in this section shall be operated or moved upon any public road, street, or highway within the State, provided that the maximum gross weight, axle loads and wheel loads allowed under this section shall be inapplicable when its application would adversely affect the receipt of federal funds for highway purposes, and provided further that no vehicle or combination of vehicles shall be operated on or moved over any bridge or other highway structure if the total gross weight, including vehicle and load, exceeds the posted maximum gross load limitation for the bridge or other highway structure

(1) The total gross weight, in pounds, imposed on any public road, street or highway within the State by any group of two or more consecutive axles on a vehicle or combination of vehicles shall not exceed the following when the distance between the first and last axles of the group under consideration is

(A) Less than forty-two inches the weight imposed shall not exceed twenty-two thousand five hundred pounds

(B) At least forty-two inches but less than six feet, the weight imposed shall not exceed thirty-four thousand pounds This grouping of two consecutive axles shall be known as tandem axle

(2) The total gross weight, in pounds, imposed on interstate highways within the State by any group of two or more consecutive axles, on a vehicle or combination of vehicles shall not exceed that resulting from application of the formula

$$W = 500\left(\frac{LN}{N-1} + 12N + 36\right)$$

$$W = 500\,(LN/(N-1) + 12N + 36)$$

when the distance between the first and last axles of the group under consideration is at least six feet and over and where W = maximum weight in pounds carried on any group of two or more axles computed to the nearest 500 pounds

L = Distance in feet between the extremes of any group of two or more consecutive axles to the nearest foot

N = Number of axles in group under consideration

Provided that two consecutive sets of tandem axles may carry a gross load of 34 000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more Provided also that the overall gross weight does not exceed 80 000 pounds

(3) The total gross weight in pounds imposed on any public road street, or highway other than interstate highways within the State by a vehicle or combination of vehicles shall not exceed that determined by the formula

$$W = 900\,(L + 40)$$

when the distance between the first and last [axle] axles of the group under consideration is at least six feet and over and where W = maximum weight in pounds [rounded] carried on any group of two or more axles computed to the nearest 500 pounds

L = Distance in feet between [first and last axles of the vehicle or combination of vehicles] the extremes of any group of two or more consecutive axles, to the nearest foot

Provided also that the overall gross weight does not exceed 88,000 pounds

(4) No vehicle or combination of vehicles shall be used or operated on any public road, street, or highway within the State (A) with a load upon any single or tandem axle or combination of axles which exceeds the carrying capacity of the axles specified by the manufacturer, or (B) with a total weight in excess of its designed capacity as indicated by its designed gross vehicle weights or gross combination weights.

(5) The total gross weight imposed upon the public road, street, or highway by any single axle shall not exceed twenty-two thousand five hundred pounds. For the purpose of this section, axles placed in the same transverse plane which are closer than forty-two inches shall be considered as one axle.

(6) The total gross weight imposed upon the public road, street, or highway by any one wheel, either single or dual mounting, shall not exceed eleven thousand two hundred and fifty pounds.

(7) The director of transportation, in the case of state highways, or the county engineer, in the case of county roads and streets, may place and maintain signs to limit the gross weight of a vehicle or combination of vehicles traveling over a bridge or other highway structure in the interest of public safety when it is determined through engineering investigation and analysis that the theoretical load carrying capacity of the bridge or structure is less than the maximum gross vehicular weight allowed by this chapter. In determining the weight limits and in posting the weight limit signs, the director or the county engineer need not comply with rulemaking provisions of chapter 91; provided that if any person objects to the weight limits, the person may object to the rule as provided in chapter 91."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 23, 1990.)

ACT 33 S.B. NO. 2434

A Bill for an Act Relating to Public Contracts.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to broaden the bid deposit requirements for public contracts to include all credit union instruments so as to facilitate the bidding process.

In 1988, amendments to the bid deposit requirements for public contracts added share certificates as acceptable security for bid deposits. Other credit union instruments such as credit union cashier's checks, certified checks, and teller's checks were not included in the amendment solely because credit unions do not issue such instruments regularly. Credit unions are permitted to issue these instruments and are doing so with growing frequency because of the recognized security of these financial instruments.

The underlying purpose of the bid deposit statute is to ensure that bid deposits for public contracts are secure. The federally insured status of credit

unions provides this assurance of security. Therefore, all instruments issued by federally insured credit unions satisfy the objective of the State of Hawaii in specifying permissible deposit instruments for public contracts.

SECTION 2 Section 103-28, Hawaii Revised Statutes, is amended to read as follows.

"**§103-28 Deposits of legal tender, etc., to accompany bid.** All bids shall be accompanied by a deposit of legal tender or by a certificate of deposit, cashier's check, or certified check on a bank [that is insured by the Federal Deposit Insurance Corporation,] or on a savings institution insured by the Federal [Savings and Loan] Deposit Insurance Corporation, or by a share certificate, cashier's check, certified check, or teller's check issued by a credit union insured by the National Credit Union Administration, in a sum not less than five per cent of the amount bid, payable at sight or unconditionally assigned to the officer advertising for tenders, provided that when the amount bid exceeds $50,000, the legal tender, certificate of deposit, share certificate, cashier's check, [or] certified check, or teller's check shall be in a sum not less than $2,500, plus two per cent of the amount in excess of $50,000 Notwithstanding the foregoing, in solicitations for price-term, open-end, and requirements contracts a maximum deposit of $2,500 shall apply, provided that a standing deposit of $2,500 may be furnished to the comptroller and held by the comptroller for a period convenient to the bidder During the period held by the comptroller, the standing deposit shall be sufficient for all bids submitted by the bidder for price-term, open-end, or requirements contracts A certificate of deposit, share certificate, cashier's check, [or] certified check, or teller's check may be utilized only to a maximum of $100,000

A bid deposit for a bid requiring a deposit in excess of $100,000 shall be in the form of legal tender or a surety bond conforming to the requirements of section 103-31 "

SECTION 3 Section 103-31, Hawaii Revised Statutes, is amended to read as follows

"**§103-31 Bond may be substituted for deposits, etc.** In lieu of the deposit of legal tender, certificate of deposit, share certificate, cashier's check [or], certified check, or teller's check a bid may be accompanied by a surety bond executed to the officer calling for bids by the bidder as principal, and by any corporation organized for the purpose of becoming surety on bonds, authorized under the laws of the United States or of the State to act as surety, and doing business in the State under the laws of the United States or of the State, if a foreign corporation, and under the laws of the State, if a [Hawaiian] Hawaii corporation, as surety, in a penal sum of equal amount, conditioned upon the bidder entering into the contract and furnishing satisfactory security within ten days after the award or within [such] any further time as the officer may allow, if the bidder is awarded the contract "

SECTION 4 Section 103-35, Hawaii Revised Statutes, is amended to read as follows

"**§103-35 Surety on bond; justification.** A surety company authorized to do business under the laws of the State may be accepted as surety on the bond, whenever, in the opinion of the officer letting the contract, the rights of all parties in interest will be fully protected. If the surety or sureties on the bond, whether

individual or corporate, is other than a surety company authorized to do business under the laws of the State, there shall be not more than four [such] sureties who shall severally justify in such amounts as, taken together, will aggregate the full amount of the bond; provided that in the case of [such] the other sureties the officer letting the contract shall require that the surety shall also severally deposit with the officer certified checks [or], certificates of deposit [(payable], or share certificates (unconditionally assigned or payable on demand or after such period as the officer may stipulate) or bonds, stocks, or other negotiable securities, or execute and deliver to the officer a deed or deeds of trust of real property, all of such character as shall be satisfactory to the officer, each surety to furnish [such] the security to the full cash value of one hundred per cent of the amount for which the surety shall so have justified; provided further that the comptroller or other awarding officer [may], in the comptroller's or officer's discretion, may waive the necessity of furnishing [such] the security, to any extent that the comptroller or officer may deem warranted, in cases where, upon an actual examination, the comptroller or officer is satisfied as to the financial responsibility of the proposed surety or sureties; provided that if there be but one personal surety the surety shall so justify for the full amount of the bond."

SECTION 5. Section 103-36, Hawaii Revised Statutes, is amended to read as follows:

"**§103-36 Deposit of securities in lieu of surety.** Any bidder to whom the contract is awarded may furnish a bond executed by the bidder alone, as principal, if in lieu of any surety or sureties, the bidder shall similarly furnish security in certified checks, certificates of deposit, share certificates, or other securities, as provided in section 103-35."

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved April 23, 1990.)

ACT 34 H.B. NO. 2088

A Bill for an Act Relating to Statutory Revision: Amending, Reenacting, or Repealing Various Provisions of the Hawaii Revised Statutes and the Session Laws of Hawaii for the Purpose of Correcting Errors, Clarifying Language, Correcting References, and Deleting Obsolete or Unnecessary Provisions.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 11-218, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) For the office of state senator, state representative, [city] county council member, prosecuting attorney, board of education, and all other offices, the maximum amount of public funds available to a candidate shall not exceed $500 in any election year."

SECTION 2 Section 40-82 5, Hawaii Revised Statutes, is amended to read as follows:

"[[[§40-82.5]]] **Delinquent accounts, collection.** Any state agency having an account due which is delinquent, may contract with a collection agency bonded under chapter [443A] 443B for collection of the delinquent account. The chairperson or director of the agency may make an agreement with the agency regarding the amount to be retained by it for services."

SECTION 3 Section 231-13, Hawaii Revised Statutes, is amended to read as follows:

"**§231-13 Director; collection.** The director of taxation shall be responsible for the collection and general administration of all delinquent taxes The director may forward all claims of the State for delinquent taxes to a collection agency bonded under chapter [443A] 443B The director may make an agreement with the agency regarding the amount to be retained by it for services. The director shall duly and accurately account for all delinquent taxes collected."

SECTION 4 Section 46-15 2, Hawaii Revised Statutes, is amended to read as follows

"**§46-15.2 Housing; additional county powers.** In addition and supplemental to the powers granted to counties by section 46-15.1, any county shall have and may exercise any of the following powers.

(1) To provide assistance and aid to persons of low and moderate income in acquiring housing by providing loans secured by a mortgage, including by acquiring such loans from private lenders for which such county has made advance commitment to acquire such loans, and to make and execute contracts with private lenders or a public agency for the origination and servicing of such loans and pay the reasonable value of such services;

(2) In connection with the exercise of any powers granted under this section or section 46-15 1, to establish one or more loan programs and to issue bonds under chapter 47 or 49 to provide moneys to carry out the purposes of this section or section 46-15 1; provided that

   (A) If bonds are issued pursuant to chapter 47 to finance one or more loan programs, the county may establish such qualifications as it deems appropriate,

   (B) If bonds are issued pursuant to chapter 49 to finance one or more loan programs, such loan program or programs shall comply with the provisions of part II, subpart B of chapter [356;] 201E,

   (C) If bonds are issued pursuant to section [47-2 1] 47-4 or chapter 49, any loan program established pursuant to this section or any county-owned dwelling units constructed under section 46-15 1 shall be and constitute an "undertaking" under section 49-1 and the provisions of chapter 49 shall apply to such loan program or county-owned dwelling units to the extent applicable,

   (D) In connection with the establishment of any loan program pursuant to this section, a county may employ financial consultants, attorneys, real estate counselors, appraisers, and

such other consultants as may be required in the judgment of the county and fix and pay their compensation from funds available to the county therefor;

(E) Notwithstanding any limitation otherwise established by law, with respect to the rate of interest on any loan made under any loan program established pursuant to this section, such loan may bear such rate or rates of interest per year as the county shall determine; provided no loan made from the proceeds of any bonds of the county shall be under terms or conditions which would cause the interest on such bonds to be deemed subject to income taxation by the United States of America;

(F) Notwithstanding any limitation otherwise established by law, with respect to the amount of compensation permitted to be paid for the servicing of loans made under any loan program established pursuant to this section, a county may fix such reasonable compensation as the county may determine;

(G) Notwithstanding the requirement of any other law, a county may establish such separate funds and accounts with respect to bonds issued pursuant to chapter 47 or 49 to provide moneys to carry out the purposes of this section or section 46-15.1 as such county may deem appropriate;

(H) Notwithstanding any provision of chapter 47 or 49 or of any other law, but subject to the limitations of the State Constitution, bonds issued to provide moneys to carry out the purposes of this section or section 46-15.1 may be sold at public or private sale at such price, may bear interest at such rate or rates per year, may be payable at such time or times, may mature at such time or times, may be made redeemable before maturity at the option of the county, the holder, or both, at such price or prices and upon such terms and conditions, and may be issued in coupon or registered form, or both, all as the county may determine;

(I) If deemed necessary or advisable, the county may designate a national or state bank or trust company within or without the State to serve as trustee for the holders of bonds issued to provide moneys to carry out the purposes of this section or section 46-15.1 and enter into a trust indenture, trust agreement, or indenture of mortgage with such trustee whereby such trustee may be authorized to receive and receipt for, hold, and administer the proceeds of such bonds and to apply the proceeds to the purposes for which such bonds are issued, or to receive and receipt for, hold, and administer the revenues and other receipts derived by the county from the application of the proceeds of such bonds and to apply such revenues and receipts to the payment of the principal of, or interest on such bonds, or both. Any such trust indenture, trust agreement, or indenture of mortgage entered into with the trustee may contain any covenants and provisions as may be deemed necessary, convenient, or desirable by the county in order to secure such bonds. The county may pledge and assign to the trustee any agreements related to the application of the proceeds of such bonds and the rights of the county thereunder, including the rights to revenues and receipts derived thereunder. Upon appointment of the trustee, the director of finance may elect

not to serve as fiscal agent for the payment of the principal and interest, and for the purchase, registration, transfer, exchange, and redemption, of such bonds, or may elect to limit the functions the director of finance performs as such fiscal agent, and may appoint the trustee to serve as the fiscal agent, and may authorize and empower the trustee to perform such functions with respect to such payment, purchase, registration, transfer, exchange, and redemption, as the director of finance deems necessary, advisable, or expedient, including, without limitation, the holding of such bonds and coupons which have been paid and the supervision and conduction or the destruction thereof in accordance with law,

(J) If a trustee is not appointed to collect, hold, and administer the proceeds of bonds issued to provide moneys to carry out the purposes of this section or section 46-15.1, or the revenues and receipts derived by the county from the application of the proceeds of such bonds, all as provided in subparagraph (I), the director of finance of such county may hold such proceeds or revenues and receipts, as the case may be, in a separate account in the treasury of the county, to be applied solely to the carrying out of the ordinance, trust indenture, trust agreement, or indenture of mortgage, if any, authorizing or securing such bonds, and

(K) Any law to the contrary notwithstanding the investment of funds held in reserves and sinking funds related to bonds issued to provide moneys to carry out the purposes of this section or section 46-15.1 shall comply with the provisions of section [356-214,] 201E-70, provided that any investment which requires approval by the county council pursuant to section 46-48 or 46-50 must first be approved by the county council

(3) To acquire such policies of insurance and enter into such banking arrangements as such county may deem necessary in order to better secure bonds issued to provide money to carry out the purposes of this section or section 46-15.1 including, without limitation, contracting for a support facility or facilities as may be necessary with respect to bonds issued with a right of the holders to put such bonds and contracting for interest rate swaps, and

(4) To do any and all other things necessary or appropriate to carry out the purposes and exercise the powers granted in section 46-15.1 and this section."

SECTION 5. Section 46-105, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The allocation of real property taxes pursuant to this part shall in no way limit the power of the county under section [47-16] 47-12 to levy ad valorem taxes without limitation as to rate or amount on all real property subject to taxation by the county for the payment of the principal and interest of its general obligation bonds."

SECTION 6. Section 237-27.6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) For the purposes of this section

Debt service costs' means payments of principal and interest on general obligation bonds issued at any time by a political subdivision for the construction of the facility

Sale and leaseback ' means a transaction in which a facility is sold by a political subdivision to a private entity for cash, under an installment sale, a financing lease, or similar arrangement, or any combination thereof, where the political subdivision has the right to repurchase the facility at a later date, and where the facility is leased to an operator of the facility

"Solid waste processing disposal, and electric generating facility or "facility" means a facility for the processing and disposal of solid waste or the generation of electric energy, or both, the construction of which has been financed pursuant to section [47-2 1] 47-4 and constitutes an undertaking as defined in section 49-1

"Operator" means a private entity who enters into an agreement or other arrangement with the owner of a solid waste processing, disposal, and electric generating facility for the purpose of operating such facility for a political subdivision of the State

' Owner means any person who purchases a solid waste processing, disposal, and electric generating facility under section 46-19 1 '

SECTION 7 Section 87-1, Hawaii Revised Statutes, is amended by amending the definition of "health benefits plan" to read as follows

"(8) "Health benefits plan' means (A) a group insurance contract or medical, hospital, surgical, prescribed drugs, vision, or dental service agreement in which a carrier agrees to provide, pay for, arrange for, or reimburse the cost of [health,] medical, hospital, surgical, prescribed drugs vision, dental services, or long-term care services as determined by the board or (B) a similar schedule of benefits established by the board and provided through the fund on a noninsured basis,

SECTION 8 Section 88-119 Hawaii Revised Statutes, is amended to read as follows

"**§88-119 Investments.** Investments may be made in

(1) Real estate loans and mortgages Obligations (as defined in section [431-286)] 431 6-101) of any of the following classes

(A) Obligations secured by mortgages of nonprofit corporations desiring to build multirental units (ten units or more) subject to control of the government for occupancy by families displaced as a result of government action

(B) Obligations secured by mortgages insured by the federal housing administration

(C) Obligations for the repayment of home loans made under the Servicemen's Readjustment Act of 1944 or under Title II of the National Housing Act

(D) Other obligations secured by first mortgages on unencumbered improved real estate owned in fee simple, provided that the amount of the obligation shall not at the time investment is made therein exceed eighty per cent of the value of the real estate and improvements mortgaged to secure it, and except that the amount of the obligation at the time investment is made therein may exceed eighty per cent but no

more than ninety per cent of the value of the real estate and improvements mortgaged to secure it, provided further that the obligation is insured or guaranteed against default or loss under a mortgage insurance policy issued by a casualty insurance company licensed to do business in the State The coverage provided by the insurer should be sufficient to reduce the system's exposure to not more than eighty per cent of the value of the real estate and improvements mortgaged to secure it. Such insurance coverage shall remain in force until the principal amount of the obligation is reduced to eighty per cent of the market value of the real estate and improvements mortgaged to secure it, at which time the coverage shall be subject to cancellation solely at the option of the board of trustees. Real estate shall not be deemed to be encumbered within the meaning of this subparagraph by reason of the existence of any of the restrictions, charges, or claims described in section [431-293(a)] 431 6-308.

(E) Other obligations secured by first mortgages of leasehold interests in improved real estate, provided that (i) each such leasehold interest at such time shall have a current term extending at least two years beyond the stated maturity of the obligation it secures, and (ii) the amount of the obligation shall not at the time investment is made therein exceed eighty per cent of the value of the respective leasehold interest and improvements, and except that the amount of the obligation, at the time investment is made therein, may exceed eighty per cent but no more than ninety per cent of the value of the leasehold interest and improvements mortgaged to secure it, provided further that the obligation is insured or guaranteed against default or loss under a mortgage insurance policy issued by a casualty insurance company licensed to do business in the State The coverage provided by the insurer should be sufficient to reduce the system's exposure to not more than eighty per cent of the value of the leasehold interest and improvements mortgaged to secure it Such insurance coverage shall remain in force until the principal amount of the obligation is reduced to eighty per cent of the market value of the leasehold interest and improvements mortgaged to secure it, at which time the coverage shall be subject to cancellation solely at the option of the board of trustees.

(F) Obligations for the repayment of home loans guaranteed by the department of Hawaiian home lands pursuant to section 214(b) of the Hawaiian Homes Commission Act, 1920

(G) Obligations secured by second mortgages on improved real estate for which the mortgagor procures a second mortgage on the improved real estate for the purpose of acquiring the leaseholder's fee simple interest in the improved real estate, provided that any prior mortgage does not contain provisions which might jeopardize the security position of the retirement system or the borrower's ability to repay the mortgage loan

The board of trustees may retain such real estate, including leasehold interests therein, as it may acquire by foreclosure of mortgages or in enforcement of security, or as may be conveyed to it in satisfaction of debts previously contracted; provided that all such

real estate, other than leasehold interests, shall be sold within five years after acquiring the same, subject to extension by the governor for additional periods not exceeding five years each, and that all such leasehold interests shall be sold within one year after acquiring the same, subject to extension by the governor for additional periods not exceeding one year each.

(2) Government obligations, etc. Obligations of any of the following classes:

(A) Obligations issued or guaranteed as to principal and interest by the United States or by any state thereof, or by the Dominion of Canada or by any province thereof, or by any municipal or political subdivision or school district of any of the foregoing; provided that principal of and interest on such obligations are payable in currency of the United States.

(B) Revenue bonds, whether or not permitted by any other provision hereof, of the State or any municipal or political subdivision thereof, including the board of water supply of the city and county of Honolulu, and street or improvement district bonds of any district or project in the State.

(C) Obligations issued or guaranteed by any federal home loan bank including consolidated federal home loan bank obligations, the Home Owner's Loan Corporation, the Federal National Mortgage Association, or the Small Business Administration.

(3) Corporate obligations. Obligations of any corporation created or existing under the laws of the United States or of any state or district thereof, and qualified under any of the following:

(A) Fixed interest-bearing obligations, if the average annual net earnings of the obligor or guarantor available for its fixed charges for a period of five fiscal years next preceding the date of the investment have equalled at least one hundred fifty per cent of its average annual fixed charges applicable to the period and if its net earnings for the last year of the period have equalled at least one hundred fifty per cent of its fixed charges for such year.

(B) Fixed interest-bearing obligations secured by assignment of a lease or leases, or the rentals payable thereunder, of real or personal property (including, without limitation, charters of vessels) to a corporation created or existing under the laws of the United States or of any state or district thereof; provided that (i) the fixed rentals assigned shall be sufficient to repay the principal of and interest on the obligation within the unexpired term of the lease, exclusive of the term which may be provided by any option of renewal, and (ii) the net earnings of the corporation shall meet the requirements described in subparagraph (A).

(C) Fixed interest-bearing obligations secured by rights or assignment of rights under a contract (including, without limitation, a contract for the sale of products, materials, supplies, or other property, or for the furnishing of transportation or services) with a corporation created or existing under the laws of the United States or of any state or district thereof; provided that (i) the rights securing such obligations shall include the right to receive payments sufficient to repay the principal of and

interest on the obligations within the unexpired term of the contract, and (ii) the net earnings of the corporation shall meet the requirements described in subparagraph (A).

As used in this paragraph, the terms "fixed charges" and "net earnings available for fixed charges" shall have the meanings and application ascribed thereto in sections [431-286 and 431-287.] 431.6-101 and 431 6-102

(4) Preferred and common stocks Shares of preferred or common stock of any corporation created or existing under the laws of the United States or of any state or district thereof or of any country in the Pacific Basin or Western Europe, provided that the book value of the total investment in such stocks shall at no time exceed forty per cent of the total book value of all investments of the system.

(5) Obligations eligible by law for purchase in the open market by federal reserve banks

(6) Obligations issued or guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, or the African Development Bank

(7) Obligations secured by collateral consisting of any of the securities or stock listed above and worth, at the time the investment is made, at least fifteen per cent more than the amount of the respective obligations

(8) Insurance company obligations Contracts and agreements supplemental thereto providing for participation in one or more accounts of a life insurance company authorized to do business in Hawaii, including its separate accounts, and whether the investments allocated thereto are comprised of stocks or other securities or of real or personal property or interests therein

(9) Interests in real property Interests in improved or productive real property in which, in the informed opinion of the board of trustees, it is prudent to invest funds of the system, provided that the total book value of these investments at no time shall exceed five per cent of the total book value of all investments in the system For purposes of this paragraph, "real property" includes any property treated as real property either by local law or for federal income tax purposes Investments in improved or productive real property may be made directly or through pooled funds, including common or collective trust funds of banks and trust companies; group or unit trusts, limited partnerships, investment trusts, and other pooled funds invested on behalf of the system by investment managers retained by the system.

(10) Other securities and futures contracts Securities and futures contracts in which in the informed opinion of the board of trustees it is prudent to invest funds of the system, including interest rate and stock index futures contracts and options on such contracts within the meaning of the Commodity Exchange Act and traded on an exchange or board of trade regulated under that Act only to hedge against anticipated changes in interest rates and stock prices that might otherwise have an adverse effect upon the value of the system's securities portfolios; covered put and call options on securities traded on one or more of the exchanges, and stock; whether or not the securities, stock, futures contracts, or options on futures are expressly authorized by or qualify under the foregoing paragraphs,

and notwithstanding any limitation of any of the foregoing paragraphs (including paragraph (4)); provided that the total book value of investments under this paragraph shall at no time exceed ten per cent of the total book value of all investments of the system."

SECTION 9. Section 101-23, Hawaii Revised Statutes, is amended to read as follows:

"**§101-23 Damages assessed, how.** In fixing the compensation or damages to be paid for the condemnation of any property, the value of the property sought to be condemned with all improvements thereon shall be assessed, and if any of the improvements are separately owned, the value thereof shall be separately assessed. If the property sought to be condemned constitutes only a portion of a larger tract, the damages which will accrue to the portion not sought to be condemned by reason of its severance from the portion sought to be condemned, and the construction of the improvements in the manner proposed by the plaintiff shall also be assessed, and also how much the portion not sought to be condemned will be specifically benefited, if at all, by the construction of the improvement proposed by the plaintiff. If the benefit shall be equal to the amount of compensation assessed for the property taken, and for damages by reason of its severance from another portion of the same tract, then the owner shall be allowed no compensation, but if the benefits shall be less than the amount so assessed as damages or compensation, then the former shall be deducted from the latter and the remainder shall be the amount awarded as compensation or damages. In case of the exercise of the power of eminent domain by the city and county of Honolulu in furtherance of any governmental power under section [70-111] 46-74.2 and the improvement ordinance of the city, the amount of damages or compensation assessed, or awarded, or agreed upon in any compromise approved by motion of the city council shall in no case be construed as limiting or affecting the power of the city council to distribute any portion of the cost upon any property found to be benefited thereby proportioned as provided by law in the exercise of their judgment whether under an improvement district or frontage improvement created before or after the acquisition of any such land. If condemnation is for the purpose of widening or realigning any existing highway or other public road, the owner of the property condemned shall be entitled to full compensation for the property actually taken and special benefits shall be considered only insofar as the value of the benefits shall not exceed the damages which will accrue to the portion not sought to be condemned by reason of its severance from the portion sought to be condemned and the construction of the improvements in the manner proposed by the plaintiff. That is, if the special benefits shall be equal to the severance damages, then the owner of the parcel shall be allowed no compensation except the value of the portion taken, but if the special benefits shall be less than the severance damages, then the former shall be deducted from the latter and the remainder shall be the only damages allowed in addition to the value of the land taken."

SECTION 10. Section 206X-6, Hawaii Revised Statutes, is amended to read as follows:

"**[|§206X-6|] Convention center district rules.** The authority shall establish rules for the development within the convention center district under chapter 91 on health, safety, building, planning, zoning, and land use which, upon final approval by the authority of a convention center development plan, shall supersede all other inconsistent ordinances and rules relating to the use, zoning, planning, and development of land and construction thereon. The convention

center development plan approved by the authority shall be made a part of, and shall have the same force and effect as, the rules aforesaid. Any development proposal within the convention center district under agreement with a private developer shall be subject to the requirements of chapter 343 relating to environmental impact statements and shall be provided for in the rules. The environmental impact statement shall include the disclosure of the environmental effects of the proposed development, effects of the proposed development on the economic and social welfare of the community and State including the welfare of persons to be dislocated by the proposed development, effects of the economic activities arising out of the proposed development, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects. Rules adopted under this section shall follow existing law, rules, ordinances, and regulations as closely as is consistent with standards meeting minimum requirements of good design, pleasant amenities, health, safety, and coordinated development.

For purposes of chapters 501, 502, and 514A, the authority may certify maps and plans of lands and real property interests within the convention center district as having complied with applicable laws and ordinances relating to consolidation, subdivision of lands, and [horizontal] condominium property regimes, and such maps and plans shall be accepted for registration or recordation by the land court and registrar."

SECTION 11. Section 206X-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) As a condition and consideration of the right to develop the real property within the convention center district under the agreement, pursuant to this chapter, the private developer shall dedicate, at no cost to the State, a marketable real property interest in the convention center facility to the State with warranty of title free and clear of all encumbrances, subject to declaration of [horizontal] condominium property regime, if any, and to such encumbrances and easements as shall be acceptable to the State. For a period of two years from the date of the dedication, the private developer shall manage, operate and maintain the convention center facility. All profit and loss for the two-year period from the management, operation and maintenance of the convention center facility shall accrue to or be suffered by the private developer. The private developer shall submit to the authority annual reports, including financial statements, covering the operations of the convention center facility by the private developer during the two year period. The private developer shall coordinate with the authority on all reservations based on requests for conventions at the convention center facility to occur on dates after the two-year period. The authority shall thereafter manage, operate and maintain the convention center facility."

SECTION 12. Section 514C-1, Hawaii Revised Statutes, is amended by amending the definition of "condominium" to read as follows:

" "Condominium" means the ownership of single units, with common elements, located on property within the [horizontal] condominium property regime."

SECTION 13. Section 239-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There shall be levied and assessed upon each public utility, except airlines, motor carriers, common carriers by water, and contract carriers taxed by section 239-6, a tax of such rate per cent of its gross income each year from its public utility business as shall be determined in the manner hereinafter provided. The tax imposed by this section is in lieu of all taxes other than those below set out, and is a means of taxing the real property (owned by the public utility or leased to it by a lease under which the public utility is required to pay the taxes upon the property), and the personal property of the public utility, tangible and intangible, including going concern value. In addition to the tax imposed by this chapter there also are imposed income taxes, the specific taxes imposed by chapter 249, the fees prescribed by chapter 269, any tax specifically imposed by the terms of the public utility's franchise or under chapter 240, the use or consumption tax imposed by chapter 238, and employment taxes.

The rate of the tax upon the gross income of the public utility shall be determined as follows:

If the ratio of the net income of the company to its gross income is fifteen per cent or less, the rate of the tax on gross income shall be 5.885 per cent; for all companies having net income in excess of fifteen per cent of the gross, the rate of the tax on gross income shall increase continuously in proportion to the increase in ratio of net income to gross, at such rate that for each increase of one per cent in the ratio of net income to gross, there shall be an increase of .2675 per cent in the rate of the tax.

The following formula may be used to determine the rate, in which formula the term "R" is the ratio of net income to gross income, and "X" is the required rate of the tax on gross income for the utility in question:

$$X=(1.8725+26.75R)\%;$$

Provided that in no case governed by the formula shall "X" be less than 5.885 per cent or more than 8.2 per cent.

However, if the gross income is apportioned under section 239-8(b) or (c), there shall be no adjustment of the rate of tax on the amount of gross income so apportioned to the State on account of the ratio of the net income to the gross income being in excess of fifteen per cent, and it shall be assumed in such case that the ratio is fifteen per cent or less."

SECTION 14. Section 286-26, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

"(i) As part of the inspection required by this section, the owner of the vehicle to be inspected shall produce and display the no-fault insurance identification card for the inspected motor vehicle required by section 431:10C-107 or the proof of insurance card required by section [431:10C-502.] 431:10G-106. If no card is displayed, then the sticker authorized by the director of transportation shall not be affixed to the vehicle and the certificate of inspection shall not be issued."

SECTION 15. Section 286-104, Hawaii Revised Statutes, is amended to read as follows:

"**§286-104 What persons shall not be licensed.** The examiner of drivers shall not issue any license hereunder:

(1) To any person whose license has been suspended by a court of competent jurisdiction during the suspension period; nor to any person whose license has been revoked until the expiration of one year after the date of the revocation, or until the expiration of the

period of revocation specified by law whichever is greater nor to any person who while unlicensed has within two years been convicted of driving while drunk,

(2) To any person who is required by this part to take an examination, unless such person has successfully passed the examination,

(3) To any person who is required under the motor vehicle financial responsibility laws of this State to deposit proof of financial responsibility and who has not deposited such proof,

(4) To any person when the examiner of drivers has good cause to believe that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways

(5) To any person who is under seventeen years of age provided that a person who is fifteen or sixteen years of age may be granted a special license upon satisfying the requirements of sections 286-108 and 286-109 which license may be suspended or revoked by a judge having jurisdiction over the holder of the special license Upon revocation of the special license the person shall not be eligible to operate a motor vehicle on the highway until the person is seventeen years of age and has again satisfied the requirements of sections 286-108 and 286-109

(6) To any person who has been ordered to be hospitalized under chapter 334 or committed under chapter [333] 333F unless the director of health certifies to the examiner of drivers that the person is mentally competent and may be examined to determine the person s fitness to operate a motor vehicle

Any person denied a license under this or any other section of this part shall have a right of appeal as hereinafter provided

SECTION 16 Section 571 50 Hawaii Revised Statutes, is amended to read as follows

"**§571-50 Modification of decree, rehearing.** Except as otherwise provided by this chapter any decree or order of the court may be modified at any time

At any time during supervision of a child the court may issue notice or other appropriate process to the child if the child is of sufficient age to understand the nature of the process to the parents and to any other necessary parties to appear at a hearing on a charge of violation of the terms of supervision for any change in or modification of the decree or for discharge The provisions of this chapter relating to process custody and detention at other stages of the proceeding shall be applicable

A parent guardian custodian or next friend of any child whose status has been adjudicated by the court or any adult affected by a decree of the court, may at any time petition the court for a rehearing on the ground that new evidence, which was not known or not available through the exercise of due diligence at the time of the original hearing and which might affect the decree has been discovered Upon a satisfactory showing of such evidence the court shall order a new hearing and make such disposition of the case as the facts and the best interests of the child warrant

A parent guardian or next friend of a child whose legal custody has been transferred by the court to an institution facility agency or person may petition the court for modification or revocation of the decree, on the ground that such legal custodian has wrongfully denied application for the release of the child or has failed to act upon it within a reasonable time or has acted in an arbitrary

manner not consistent with the welfare of the child or the public interest. An institution, facility, agency, or person vested with legal custody of a child may petition the court for a renewal, modification, or revocation of the custody order on the ground that such change is necessary for the welfare of the child or in the public interest. The court may dismiss the petition if on preliminary investigation it finds it without substance. If the court is of the opinion that the decree should be reviewed, it shall conduct a hearing on notice to all parties concerned, and may enter an order continuing, modifying, or terminating the decree.

Notwithstanding the foregoing provisions of this section the court's authority with respect to the review, rehearing, renewal, modification, or revocation of decrees, judgments, or orders entered in the hereinbelow listed classes of proceedings shall be limited by any specific limitations set forth in the statutes governing such proceedings or in any other specifically applicable statutes or rules. Such proceedings are as follows:

(1) Annulment, divorce, separation, and other proceedings under chapter 580;
(2) Adoption proceedings under chapter 578;
(3) Paternity proceedings under chapter 584;
(4) Termination of parental rights proceedings under this chapter;
(5) Waimano training school and hospital commitment proceedings under chapter [333;] 333F;
(6) State hospital commitment proceedings under chapter 334.

A decree, judgment, or order committing a child to the care of the director of social services shall be reviewable under this section at the instance of others than duly authorized representatives of such department only after a lapse of thirty days following the date of the decree, judgment, or order, and thereafter only at intervals of not less than one year.

Notwithstanding this section the court shall not conduct a rehearing of any petition, filed under section 571-11(1), which, following a hearing, has been denied or dismissed."

SECTION 17. Section 607-5, Hawaii Revised Statutes, is amended to read as follows:

"**§607-5 Costs; circuit courts.** (a) The fees prescribed by the below schedule shall be paid to the clerk of the circuit court as costs of court by the person instituting the action or proceeding, or offering the paper for filing, or causing the document to be issued or the services to be performed in the circuit court; provided that nothing in the schedule shall apply to cases of adults charged with commission of a crime, or to proceedings under section 571-11(1) or (2), or to proceedings under chapter [333] 333F or 334, or to small estates (including decedents' estates and protection of property of minors and persons under disability) when the amount payable is fixed by another statute.

For the purpose of this section, "judgment" includes a decree and any order from which an appeal lies.

SCHEDULE

In the application of this schedule, each case assigned a new number or filed under the number previously assigned to a probate, trust, guardianship, or conservatorship, shall carry a fee for the institution or transfer of the action or proceeding as prescribed by part I, and in addition the fees prescribed by parts II and III unless otherwise provided.

(b) PART I

Action or proceeding, general

(1) Civil action or special proceeding unless another item in this part I applies $30

(2) Appeal to a circuit court $30

(3) Transfer of action to circuit court from district court in addition to district court fees $20

Trusts

(4) Proceeding for (A) appointment of trustee, (B) appointment of successor, (C) resignation of trustee, (D) instructions, (E) approval of investment (F) approval of sale, mortgage, lease, or other disposition of property, (G) approval of compromise of claim, for each such matter $15

(5) Proceeding for (A) removal of trustee (B) order requiring accounting, (C) invalidation of action taken by trustee (D) termination of trust, for each such matter $15

(6) Accounting, this fee to be paid for each account filed and to include the settlement of the account $10

(7) Vesting order no charge under part I

(8) Allowance of fees of trustees, attorneys, or other fees for services incurred in a proceeding for which a fee has been paid under this section no charge under part I

(8a) Registration of a trust or release of registration, under chapter 560 $3

(9) Any other proceeding relating to a trust $15

Guardianship of estate or conservatorship

(10) Proceeding for (A) appointment (B) appointment of successor, (C) resignation, (D) instructions unless included in one of the foregoing proceedings, (E), (F) (G) approval of any matter listed in (E) (F), or (G) of item (4) in relation to a trust for each such matter $15

(11) Proceeding of the nature listed in (A), (B) (C) or (D) of item (5) in relation to a trust, for each such matter $15

(12) Accounting, same as provided by item (6) in relation to a trust $10

(13) Any other proceeding relating to guardianship of an estate, or a conservatorship no charge under part I

Probate (decedents' estates) These fees include all matters of the nature listed in items (4) to (9) without additional charge

(14) Application for appointment of special administrator by order of the court in addition to fee prescribed by item (15) $10

(15) Probate, administration, or ancillary administration, this fee to be paid once only for each decedent s estate $30

(15a) Informal probate or appointment proceeding under chapter 560, this fee to be paid instead of the fee prescribed by item (15) $10

(15b) Application under chapter 560 for formal testacy proceedings, or for supervised administration this fee to be paid once only for each decedent s estate as an addition to the fee prescribed by item (15a) $20

Family court cases

(16) Matrimonial action (annulment divorce separation, or separate maintenance) $30

(17) Adoption $15

(18) Guardianship of the person including all matters of the nature listed in items (4) to (9) $15

(19) Termination of parental rights no charge under part I

(20) Any other family court proceeding including without limitation custody proceedings even if in the form of an habeas corpus proceeding $15

(c) PART II

The fees prescribed by this part do not apply to decedents' estates guardianships, or conservatorships

Intervention affirmative relief

(21) Intervention $15

(22) Answer containing one or more cross-claims cross-complaints or counterclaims $15

(23) Third-party complaint $15

Motions

(24) Motion or other application for (A) preliminary injunction including temporary restraining order, (B) change of venue, (C) involuntary dismissal, or preliminary hearing of a defense which may lead to involuntary dismissal, (D) judgment on the pleadings, (E) summary judgment, (F) new trial, (G) vacating, altering, or amending judgment for each such matter provided that an application in the alternative shall be treated as one matter $15

Writs, garnishee summons For the issuance of the following

(25) Garnishee summons $10

(26) Writ of possession, attachment or execution $10

(27) Temporary restraining order or other injunction no charge except for the motion

(28) Any other writ $10

(d) PART III

The fees prescribed by this part apply without exception

Jury trial

(29) Demand for jury trial, including without limitation probate cases, appeals to the circuit court, and cases transferred to the circuit court from the district court this fee to be paid to the court in which the demand is filed by the party first making the demand $50

(30) Remand to district court in cases transferred to circuit court from district court on demand for jury trial where jury trial is waived and a remand of such cases to district court is allowed $50

Subpoena

(31) Issuance of a subpoena, for each witness to be served $3

Deposition, examination

(32) Deposition upon oral examination or written questions, or physical or mental examination or examination of judgment debtor or other person under section 636-4, to be paid by the party filing the first paper in the matter, for each person whom the party seeks to question or examine $10

Miscellaneous

(33) Filing of notice of appeal to supreme court to be paid in addition to the deposit of supreme court costs $30

(34) Search of records by the clerk $2

(35) Making of copy, comparing of copy with original, certification or authentication of notaries Fees prescribed by section 92-21

(36) Certification under seal of copy of pleading or other paper subsequent to the initial filing of the pleading or paper, except record on appeal $1

(37) Exemplification, instead of item (36) $2

(38) Filing of copy of notice of completion of contract, with affidavit of publication $3

(39) Filing of initial paper under section 507-43 by person asserting mechanic's or materialman's lien (this fee to be additional to the fee prescribed by part I for bringing an action under section 507-47) $15

(40) Filing of any other paper not in a pending proceeding $3

(41) Printing, publishing, or posting notice, service fees, garnishee fees, mileage charges, or other services actually performed Amounts necessary to cover actual costs or disbursements "

SECTION 18 Section 327D-26 Hawaii Revised Statutes, is amended to read as follows

"**[|||§327D-26||| Effect of multiple documents.** In the event a person has one or more valid declarations executed in accordance with this chapter and/or one or more valid durable powers of attorney executed pursuant to chapter [560,] 551D, or both, the most recently executed document shall reflect the person's intent "

SECTION 19 Section 328K-16, Hawaii Revised Statutes, is repealed

SECTION 20 Section 329-45, Hawaii Revised Statutes, is amended by amending subsection (a) to read

"(a) Except as authorized by law, or upon the prescription issued for a legitimate medical purpose by a practitioner acting in the usual course of [his] the practitioner's professional practice, it is unlawful for any person to knowingly

(1) Possess an anabolic steroid,

(2) Possess any [anabolical] anabolic steroid with intent to distribute,

(3) Distribute any anabolic steroid, or

(4) Manufacture, compound, convert, produce, derive, process or prepare, either directly or indirectly by chemical extraction or independently by means of chemical synthesis, any anabolic steroid

For the purpose of this section, "distribute" means to sell, transfer, prescribe, administer, give, or deliver to another, or to leave, barter, or exchange with another, or to offer or agree to do the same "

SECTION 21 Section 342H-1, Hawaii Revised Statutes, is amended by amending the definition of "person " to read as follows

" "Person' means any individual, partnership, firm, association public or private corporation, federal agency, the State or any of its political subdivisions, trust, estate, or any other legal entity "

SECTION 22 Section 352D-6 Hawaii Revised Statutes, is amended to read as follows

"**[|||§352D-6||| Organizational structure.** The office of youth services shall be composed of such divisions and sections as are deemed necessary by the director to provide

(1) Diagnostic evaluation, treatment, and rehabilitation services for all youths referred to services provided by the office or placed in the office's custody by the family court

(2) Supervision and counseling services for youth in shelter or correctional facilities under the office's jurisdiction, including community-based facilities;
(3) Educational, vocational-educational, and other programs to effectively occupy the time of the youth placed in a facility under the office's jurisdiction which promote the development of self-esteem and useful skills to prepare youths in becoming productive members of the community;
(4) Continuous program planning, development, and coordination of youth services, including the coordination with other government and private social service agencies that work with youths to ensure that a full-range of programs is available and that such programs are consistent with the policy of this chapter and are not unnecessarily duplicative or conflicting;
(5) Prevention services to include a comprehensive intake/assessment and information/referral system throughout the State which shall access services to youth and their families;
(6) A case management system based on the individual needs of youth which shall provide for in-depth client assessment, appropriate service planning, and client advocacy;
(7) Provide for the implementation of chapter 352, youth correctional facilities and other needed correctional services;
(8) Facilitate the development of and, when appropriate, provide for training programs for persons offering services to youth at risk;
(9) Provide for technical assistance and consultation to providers and potential providers;
(10) Seek, apply for, and encourage the use of all federal funds for youth services and facilitate the coordination of federal, state, and local policies concerning services for youth;
(11) Prepare and submit an annual report to the governor and the legislature. This report shall include, but not be limited to, a review of the status of youth services within the State, recommendations for priorities for the development and coordination of youth services; and
(12) Monitor, evaluate, and audit all [grant] grants, subsidies, and purchase of services under chapter 42 which relate to the office of youth services."

SECTION 23. Section 352D-8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Beginning July 1, 1991, and terminating on June 30, 1992, there shall be established within the office of youth services an oversight committee, consisting of seven members. The committee shall include five members who represent providers of youth services and two lay citizens. All members shall have knowledge and experience regarding the needs of youth. All members shall be appointed by the governor as provided in section 26-34. The director shall serve as executive secretary of the committee. The oversight committee shall have the responsibility of investigating and reporting misfeasance and malfeasance within the youth service system, inquiring into areas of concern, and conducting periodic audit evaluations of the youth service system to ascertain its effectiveness and compliance with established responsibilities. This responsibility shall not include, however, services which are provided directly by the office of youth services.

It shall be the duty of the oversight committee to conduct regular, periodic, unannounced inspections of state-operated children's institutions and facilities and to review the reports of the inspections of the [state fire marshal] county fire chief and the department of health and any agencies which accredit such institutions and facilities."

SECTION 24. Section 386-207, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) The insurance commissioner shall proceed against an insolvent group in the same manner as the insurance commissioner would proceed against an insolvent domestic insurer in this State as prescribed in [sections 431-651 to 431-686] chapter 431, article 15. The insurance commissioner shall have the same powers and limitations in the proceedings as are provided under those laws, except as otherwise provided in this chapter."

SECTION 25. Section 387-2, Hawaii Revised Statutes, is amended to read as follows:

"**§387-2 Minimum wages.** Except as provided in section 387-9 and this paragraph, every employer shall pay to each employee employed by the employer wages at the rate of not less than[$2.65 per hour beginning July 1, 1978, $2.90 per hour beginning July 1, 1979, $3.10 per hour beginning July 1, 1980, $3.35 per hour beginning July 1, 1981, and] $3.85 per hour beginning January 1, 1988. The hourly wage of a tipped employee may be deemed to be increased on account of tips if the employee is paid not less than twenty cents below the applicable minimum wage by the employee's employer and the combined amount the employee receives from the employee's employer and in tips is at least fifty cents more than the applicable minimum wage."

SECTION 26. Section 421H-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) At the request of any party, any dispute concerning or involving one or more stockholders and a limited-equity housing corporation, its board of directors, managing agent, or one or more other stockholders relating to the interpretation, application or enforcement of [chapter] this chapter or the corporation's charter of incorporation, bylaws, or administrative rules adopted in accordance with its bylaws shall be submitted to arbitration. The arbitration shall be conducted, unless otherwise agreed by the parties in accordance with the rules adopted by the real estate commission and the provisions of chapter 658, provided that the Horizontal Property Regime Rules on Arbitration of Disputes of the American Arbitration Association shall be used until the commission adopts its rules; provided further that where any arbitration rule conflicts with chapter 658, chapter 658 shall prevail; provided further that notwithstanding any rule to the contrary, the arbitrator shall conduct the proceedings in a manner which affords substantial justice to all parties, provided further that the proceedings shall be concluded ninety days after the commencement of the arbitration unless extended by mutual consent of the parties involved and their counsel. The arbitrator shall be bound by rules of substantive law and shall not be bound by rules of evidence, whether or not set out by statute, except for provisions relating to privileged communications. The arbitrator shall permit discovery as provided for in the Hawaii rules of civil procedure, provided that the arbitrator may restrict the scope of such discovery for good cause to avoid excessive delay and

costs to the parties or the arbitrator may refer any matter involving discovery to the circuit court for disposition in accordance with the Hawaii rules of civil procedure then in effect."

SECTION 27. Section 425D-1106, Hawaii Revised Statutes, is amended by amending the title to read as follows:

"**[|]§425D-1106[|] Rules for cases not provided for in this [part.] chapter.**"

SECTION 28. Section 431:10A-522, Hawaii Revised Statutes, is amended to read as follows:

"**[|]§431:10A-522[|] Prohibition.** No insurance policy may be advertised, marketed, or offered as long-term care or nursing home insurance unless it complies with this part. A policy which is expressly or implicitly advertised, marketed, or [[]offered[]] as long-term care insurance shall meet the requirements of this [chapter.] part. A policy which is not expressly or implicitly advertised, marketed, or offered as long-term care insurance need not meet the requirements of this [chapter.] part."

SECTION 29. Section 454D-2, Hawaii Revised Statutes, is amended to read as follows:

"**§454D-2 Exemptions.** This chapter shall not apply to the following persons:

(1) Real estate brokers and salesmen licensed under chapter 467 and residing in the State who provide collection and mortgage services where the services are limited to those incident to a particular real estate transaction, or where the broker, or the salesman's broker, has an errors and [commissions] omissions insurance policy in effect which has, as part of the insurance policy, coverage for activities relating to collection and mortgage services and where a copy of the insurance policy is filed annually with the department of commerce and consumer affairs;
(2) Banks, collection agencies, credit unions, escrow depositories, financial services loan companies, savings and loan associations, and trust companies authorized to do business in the State;
(3) Any financial institution which is an approved lender for programs administered by the United States Department of Housing and Urban Development; provided that the financial institution files annually with the department of commerce and consumer affairs satisfactory proof of that status;
(4) Persons performing the services normally rendered by servicing agents under order of any court; and
(5) Persons performing the services normally rendered by servicing agents, but with respect to fewer than five agreements at any one time that would otherwise come within the purview of this chapter."

SECTION 30. Section 463E-5, Hawaii Revised Statutes, is amended to read as follows:

"**§463E-5 Fees; expenses.** No applicant shall be examined under this chapter until the applicant has paid to the board of medical examiners application, examination, and license fees. The board may provide separate fees for

licensure by endorsement and for limited and temporary licenses Every person holding a license under this chapter shall reregister with the board no later than January 31[,] of each even-numbered year, and for registration shall pay a renewal fee At the time of reregistration, the licensee shall provide written proof of a minimum of forty hours of postgraduate work or continuing education of podiatric medicine taken during the previous biennium Failure to reregister and present this proof shall constitute a forfeiture of the license, which may be restored only upon written application therefor and payment to the board of a restoration fee A license that has been forfeited for one renewal term shall be automatically terminated and cannot be restored, and a new application for licensure shall be required All fees shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91 and shall be deposited with the director of finance to the credit of the general fund."

SECTION 31 Section 466-11 5, Hawaii Revised Statutes, is amended to read as follows

"§466-11.5 Single act evidence of practice. In any action brought under this [section,] chapter, evidence of the commission of a single act prohibited by this chapter shall be sufficient to justify a penalty, injunction, restraining order, or conviction, respectively, without evidence of a general course of conduct "

SECTION 32. Section 467-14, Hawaii Revised Statutes, is amended to read as follows.

"§467-14 Revocation and suspension of licenses. The real estate commission may revoke any license issued under this chapter, or suspend the right of the licensee to use the license, for any of the following causes:

(1) Making any misrepresentation concerning any real estate transaction,
(2) Making any false promises concerning any real estate transaction of a character likely to mislead another,
(3) Pursuing a continued and flagrant course of misrepresentation, or making of false promises through advertising or otherwise;
(4) Without first having obtained the written consent to do so of both parties involved in any real estate transaction, acting for both the parties in connection with the transaction, or collecting or attempting to collect commissions or other compensation for the licensee's services from both of such parties,
(5) When the licensee, being a real estate salesperson, accepts any commission or other compensation for the performance of any of the acts enumerated in the definition set forth in section 467-1 of real estate salesperson from any person, copartnership, or corporation other than the salesperson's employer or the broker with whom the salesperson associates or, being a real estate broker or salesperson, compensates one not licensed under this chapter to perform any such act,
(6) When the licensee, being a real estate salesperson, acts or attempts to act as a real estate broker or represents, or attempts to represent, any real estate broker other than the salesperson's employer or the broker with whom the salesperson is associated,
(7) Failing, within a reasonable time, to account for any moneys belonging to others which may be in the possession or under the control of the licensee,

(8) Any other conduct constituting fraudulent or dishonest dealings;
(9) When the licensee, being a copartnership, permits any member of the copartnership who does not hold a real estate broker's license to actively participate in the real estate brokerage business thereof or permits any employee thereof who does not hold a real estate salesperson's license to act as a real estate salesperson therefor;
(10) When the licensee, being a corporation, permits any officer or employee of the corporation who does not hold a real estate broker's license to have the direct management of the real estate brokerage business thereof or permits any officer or employee thereof who does not hold a real estate salesperson's license to act as a real estate salesperson therefor;
(11) When the licensee, being a real estate salesperson, fails to file with the commission a written statement setting forth the name of the real estate broker by whom the licensee is employed or with whom the licensee is associated;
(12) When the licensee fails to obtain on the contract between the parties to the real estate transaction confirmation of who the broker represents;
(13) Violating this chapter, chapter 484, 514A, 514E, 515; section 516-71 or 516D-11; or the rules adopted pursuant thereto;
(14) Splitting fees with or otherwise compensating others not licensed hereunder for referring business; provided that notwithstanding paragraph (5), a licensed broker may pay a commission to:
    (A) A licensed broker of another state, territory, or possession of the United States if such broker does not conduct in this State any of the negotiations for which a commission is paid;
    (B) A broker lawfully engaged in brokerage activity under the laws of a foreign country if such broker does not conduct in this State any of the negotiations for which a commission is paid; or
    (C) A travel agency that in the course of business as a travel agency or sales representative, arranges for compensation the rental of transient vacation rental; provided that for purposes of this paragraph "travel agency" means any sole proprietorship, organization, trust, group, association, partnership, corporation, society, or combination of such, which for compensation or other consideration, acts or attempts to act as an intermediary between a person seeking to purchase travel services and any person seeking to sell travel services, including an air or ocean carrier;
(15) Commingling the money or other property of the licensee's principal with the licensee's own;
(16) Converting other people's moneys to the licensee's own use;
(17) The licensee is adjudicated insane or incompetent; and
(18) Failing to ascertain and disclose all material facts concerning every property for which the licensee accepts the agency, so that the licensee may fulfill the licensee's obligation to avoid error, misrepresentation, or concealment of material facts; provided that for the purposes of this paragraph, the fact that an occupant has AIDS or AIDS Related Complex (ARC) or has been tested for HIV (human immunodeficiency virus) infection shall not be considered a material fact; and

(19) When the licensee obtains or causes to be obtained, directly or indirectly, any licensing examination or licensing examination question for the purpose of disseminating the information to future takers of the examination for the benefit or gain of the licensee

Disciplinary action may be taken by the commission whether the licensee is acting as a real estate broker, or salesperson, or on the licensee's own behalf

No [licensee] license shall be suspended for longer than two years and no person whose license has been revoked shall be eligible to apply for a new license until the expiration of two years."

SECTION 33. Section 521-74.5, Hawaii Revised Statutes, is amended to read as follows:

"[~~§521-74.5~~] **Recovery of possession limited.** The landlord shall not recover or take possession of a dwelling unit by the wilful interruption or diminution of running water, hot water, or electric, gas, or other essential service to the tenant contrary to the rental agreement or section 521-42, except in case of abandonment or surrender. A landlord who engages in this act shall be deemed to have engaged in an unfair method of competition or unfair and deceptive acts or practices in the conduct of any trade or commerce within the meaning of section 480-2, provided that in addition to the penalties available under section [480-2] 480-3.1, there shall also be minimum damages of three times the monthly rent or $1,000, whichever is greater.

SECTION 34. Section 571-62, Hawaii Revised Statutes, is amended to read as follows:

"**§571-62 Hearing; investigation and report.** Every petition under section 571-61 shall be filed in duplicate and the clerk of the court in which the same is filed shall immediately forward a copy of the petition, and of the notice of the time and place of the hearing thereof, to the director of the department of human services [or to the nearest county administrator of the department]. The director [or any such county administrator] shall be permitted to appear and be heard at any such hearing on behalf of the petitioner or the child or minor or the State and shall have the same right of appeal as any party to the proceeding. The attorney general shall, at the request of the director, represent and defend the interests of the department in any such proceeding. Upon the request of any petitioning parent or parents or upon the request of the department of human services, any child-placing organization, approved by the department under section 346-17, shall be permitted to appear together with or in place of the department.

If any petitioner or the department or any such child-placing organization approved by the department or any parent whose rights are sought to be terminated requests of the court a continuance of the hearing for the purpose of permitting an objective investigation of the circumstances of the minor and the parent or parents concerned, no judgment of termination shall be entered prior to the expiration of thirty days from the date of the request or until the earlier date of the filing of a report of the investigation. If the petition has been filed by or at the request of the department of human services or any such child-placing organization, or, in the event that a continuance has been requested as above provided, the department of human services shall prepare or procure and file in the termination proceeding a report of the facts disclosed as a result of investigation of the circumstances of the minor and the parent or parents whose rights are sought to be terminated. The court may, for good cause, grant extensions of the time within which such report must be filed. Any such report shall be incorpo-

rated in the record of the proceeding and shall be considered by the court in determining the issues presented by the petition. The court may, if it deems such action necessary, appoint a guardian ad litem to represent and defend the interests of the child or minor or of any minor parent."

SECTION 35. Section 578-8, Hawaii Revised Statutes, is amended to read as follows:

"**§578-8 Hearing; investigation; decree.** No decree of adoption shall be entered unless a hearing has been held at which the petitioner or petitioners, and any legal parent married to a petitioner, and any individual whose consent is required, have personally appeared before the court, unless expressly excused by the court. After considering the petition and such evidence as the petitioners and any other properly interested person may wish to present, the court may enter a decree of adoption if it is satisfied (1) that the individual is adoptable under sections 578-1 and 578-2, (2) that the individual is physically, mentally, and otherwise suitable for adoption by the petitioners, (3) that the petitioners are fit and proper persons and financially able to give the individual a proper home and education, if the individual is a child, and (4) that the adoption will be for the best interests of the individual, which decree shall take effect upon such date as may be fixed therein by the court, such date to be not earlier than the date of the filing of the petition and not later than six months after the date of the entry of the decree.

Before entering the decree, the court shall notify the director of human services [or the nearest county administrator of the department of human services] of the pendency of such petition for adoption and allow a reasonable time for the director [or such county administrator] to make such investigation as the director [or county administrator] may deem proper as to the fitness of the petitioners to adopt the individual, however, the physical disability of the petitioners shall not of itself be determinant of unfitness for purposes of this section, and as to whether the best interest of the individual will be subserved by the adoption; provided that the court may, if it finds that the best interests of the individual to be adopted so require, by written order waive the requirement for notification and investigation above set forth, and enter its decree solely on the basis of the evidence adduced at the hearing. The director shall have the right to intervene in any adoption proceeding for the purpose of protecting the interests of the individual to be adopted or of any legal parent of the individual, and shall have the same rights of appeal as any party to the proceeding. The attorney general, upon the request of the director, shall represent the director in any such proceeding. The director, when notified as above set forth, or when the director has intervened without notification, shall make a report to the court within the time required, reporting the facts disclosed and the director's recommendation; provided that the director, if the director determines that the best interests of the individual to be adopted will be served thereby, may refer any such notification to a child placing organization approved by the department under section 346-17, and the report and recommendation of such organization, when forwarded by the director, shall be considered by the court in lieu of a report and recommendation by the director. If the court determines that any such report discloses facts adverse to the petitioners or indicates that the best interests of the individual to be adopted will not be subserved by the proposed adoption, it shall thereupon give notice of the determination to the petitioners and afford them a reasonable opportunity to rebut the report."

SECTION 36 Section 608-1 5, Hawaii Revised Statutes, is amended by amending the title to read as follows

"[~~§608-1.5~~] [Judiciary] Judicial salary commission."

SECTION 37 Section 803-46, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows.

"(a) Each application for an order authorizing or approving the interception of a wire, oral, or electronic communication shall be made in writing upon oath or affirmation to a designated circuit court and shall state the applicant's authority to make such application. The terms "designated circuit," "designated judge," "authorized circuit court," "designated circuit court," "issuing judge," and the "court" as used in this section shall not only mean a circuit court judge specifically designated by the chief justice of Hawaii supreme court, but shall also mean any circuit court judge or district court judge if no circuit court judge has been designated by the chief justice, or is otherwise unavailable Each application shall include the following information·

(1) The identity of the investigative or law enforcement officer(s) requesting the application, the official(s) applying for an order;

(2) A full and complete statement of the facts and circumstances relied upon by the applicant, to justify the applicant's belief that an order should be issued, including (A) details as to the particular offense that has been, is being, or is about to be committed, (B) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (C) a particular description of the type of communications sought to be intercepted, (D) the identity or descriptions of all persons, if known, committing the offense and whose communications are to be intercepted, and where appropriate (E) the involvement of organized crime,

(3) A full and complete statement of the facts concerning how the interception is to be accomplished, and if physical entry upon private premises is necessary, facts supporting such necessity,

(4) A full and complete statement of facts as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous,

(5) A statement of facts indicating the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter,

(6) A full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any court for authorization to intercept, or for approval of interceptions of, wire, oral, or electronic communications involving any of the same persons, facilities, or places specified in the application, and the action taken by the court on each such application, and

(7) Where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results."

SECTION 38. Section 803-46, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

"(i) (1) Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of this State, or a political subdivision thereof, may move to suppress the content of any intercepted wire, oral, or electronic communication, or evidence derived therefrom, on the grounds that:

(A) The communication was unlawfully intercepted;

(B) The order of authorization or approval under which it was intercepted is insufficient on its face; or

(C) The interception was not made in conformity with the order of authorization or approval.

Such motion shall be made before the trial, hearing, or proceedings unless there was no opportunity to make such motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire [or wireless], oral, or electronic communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this part. The court, or other official before whom the motion is made, upon the filing of such motion by the aggrieved person, shall make available to the aggrieved person or the aggrieved person's counsel for inspection portions of the recording which contain intercepted communications of the defendant or evidence derived therefrom, the applications, orders, transcript of hearing, and such additional evidence as the court determines to be in the interest of justice.

(2) In addition to any other right to appeal the State shall have the right to appeal:

(A) From an order granting a motion to suppress made under paragraph (1) of this subsection if the attorney general or prosecuting attorney, or their designated representatives, shall certify to the court or other official granting such motion that the appeal shall be taken within thirty days after the date the order of suppression was entered and shall be diligently prosecuted as in the case of other interlocutory appeals or under such rules as the supreme court may adopt;

(B) From an order denying an application for an order of authorization or approval, and such an appeal shall be in camera and in preference to all other pending appeals in accordance with rules promulgated by the supreme court."

SECTION 39. Section 804-4, Hawaii Revised Statutes, is amended to read as follows:

"**§804-4 When a matter of right.** If the charge is for an offense for which bail is allowable under section 804-3, the defendant may be admitted to bail before conviction as a matter of right. The right to bail shall continue after conviction of a misdemeanor, petty misdemeanor, or violation, and release on bail may continue, in the discretion of the court after conviction of a felony until

the final determination of any motion for a new trial, appeal, habeas corpus, or other proceedings which are made, taken, issued, or allowed for the purpose of securing a review of the rulings, verdict, judgment, sentence, or other proceedings of any court or jury in or by which the defendant has been arraigned, tried, convicted, or sentenced, except that no bail shall be allowed after conviction and prior to sentencing in cases where bail was not available under section 804-3, or where bail was denied or revoked before conviction, and provided further that no bail shall be allowed pending appeal of a felony conviction where a sentence of imprisonment has been imposed. The court shall order that a person who has been found guilty of an offense and sentenced to a term of imprisonment, and who has filed an appeal or a petition for a writ of certiorari, be detained, unless the court finds

(1) By clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released, and

(2) That the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or an order for a new trial

If the court makes such findings, [he] the court shall order the release of the person in accordance with the provisions of section 804-7.1. No defendant entitled to bail, whether bailed or not, shall, without the defendant's written consent, be subject to the operation of any sentence passed upon the defendant while any proceedings to procure a review of any action of the trial court or jury in the premises are pending and undetermined, except as provided in section 641-14(a)."

SECTION 40. Act 266, Sessions Laws of Hawaii 1989, is amended by amending the prefatory language in section 2 to read as follows:

"SECTION 2. Chapter 408, Hawaii Revised Statutes, is amended by amending the title and sections 408-1, 408-2, and 408-2.1 to read as follows:"

SECTION 41. This Act shall be amended to conform to all other acts passed by the legislature during this Regular Session of 1990, whether enacted before or after the effective date of this Act, unless such other acts specifically provided otherwise.

SECTION 42. Statutory material to be repealed is bracketed. New statutory material is underscored.[1]

SECTION 43. This Act shall take effect on July 1, 1990.

(Approved April 23, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 35

H.B. NO. 2206

A Bill for an Act Relating to Elections.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to amend the filing deadlines for special elections held to fill vacancies occurring during the terms of office of state senators, board of education members, or Hawaiian affairs trustees, to comply

with federal recommendations for mailing of absentee ballots. This Act also repeals the law relating to filling of vacancies caused by failures to elect persons at uncontested general elections.

SECTION 2. Section 17-3, Hawaii Revised Statutes, is amended to read as follows:

"**§17-3 State senator.** (a) Whenever any vacancy in the membership of the state senate occurs, the term of which ends at the next succeeding general election, the governor shall make an appointment to fill the vacancy for the unexpired term and the appointee shall be of the same political party or nonpartisanship as the person the appointee succeeds.

(b) In the case of a vacancy, the term of which does not end at the next succeeding general election:

(1) If it occurs not later than on the tenth day prior to the close of filing for the next succeeding primary election, the vacancy shall be filled for the unexpired term at the next succeeding general election. The chief election officer shall issue a proclamation designating the election for filling the vacancy. All candidates for the unexpired term shall be nominated and elected in accordance with this title. Pending the election the governor shall make a temporary appointment to fill the vacancy and the person so appointed shall serve until the election of the person duly elected to fill the vacancy. The appointee shall be of the same political party or nonpartisanship as the person the appointee succeeds.

(2) If it occurs later than on the tenth day prior to the close of filing for the next succeeding primary election but not later than on the [thirtieth] sixtieth day prior to the next succeeding primary election, or if there are no qualified candidates for any party or nonpartisan candidates qualified for the primary election ballot, nominations for the unexpired term may be filed not later than 4:30 p.m. on the [thirtieth] fiftieth day prior to the next succeeding primary election. The chief election officer shall issue a proclamation designating the election for filling the vacancy. Pending the election the governor shall make a temporary appointment to fill the vacancy and the person so appointed shall serve until the election of the person duly elected to fill the vacancy. The appointee shall be of the same political party or nonpartisanship as the person the appointee succeeds.

(3) If it occurs after the [thirtieth] sixtieth day prior to the next succeeding primary but not later than on the [thirtieth] fiftieth day prior to the next succeeding general election, or if there are no qualified candidates for any party or nonpartisan candidates in the primary, the vacancy shall be filled for the unexpired term at the next succeeding general election. The chief election officer shall issue a proclamation designating the election for filling the vacancy. Party candidates for the unexpired senate term shall be nominated by the county committees of the parties not later than 4:30 p.m. on the [thirtieth] fortieth day prior to the general election; nonpartisan candidates may file nomination papers for the unexpired term not later than 4:30 p.m. on the [thirtieth] fortieth day prior to the general election with the nonpartisan candidate who is to be nominated to be decided by lot, under the supervision of the chief election officer. The candidates for the unexpired term shall be elected in accordance

with this title Pending the election the governor shall make a temporary appointment to fill the vacancy and the person so appointed shall serve until the election of the person duly elected to fill such vacancy The appointee shall be of the same political party or nonpartisanship as the person the appointee succeeds

(4) If it occurs after the [thirtieth] fiftieth day prior to the next succeeding general election or if no candidates are nominated, the governor shall make an appointment to fill the vacancy for the unexpired term and the appointee shall be of the same political party or nonpartisanship as the person the appointee succeeds '

SECTION 3 Section 17-6, Hawaii Revised Statutes is amended by amending subsection (b) to read as follows

(b) In the case of a vacancy the term of which does not end at [the time of] the next succeeding general election

(1) If it occurs not later than on the [thirtieth] sixtieth day prior to the next succeeding general election the vacancy shall be filled for the unexpired term at the next succeeding general election The chief election officer shall issue a proclamation designating the election for filling the vacancy All candidates for the unexpired term shall file nomination papers not later than 4 30 p m on the [thirtieth] fiftieth day prior to the general election (but if such day is a Saturday, Sunday or holiday then not later than 4 30 p m on the first working day immediately preceding) and shall be elected in accordance with this title Pending the election the governor shall make a temporary appointment to fill the vacancy and the person so appointed shall serve until the election of the person duly elected to fill such vacancy

(2) If it occurs after the [thirtieth] sixtieth day prior to the next succeeding general election, the governor shall make an appointment to fill the vacancy for the unexpired term '

SECTION 4 Section 17-7 Hawaii Revised Statutes is amended by amending subsection (b) to read as follows

'(b) In the case of a vacancy the term of which does not end at the next succeeding special election held in conjunction with the general election

(1) If it occurs not later than on the [thirtieth] sixtieth day prior to the next succeeding special election held in conjunction with the general election the vacancy shall be filled for the unexpired term at the next succeeding special election held in conjunction with the general election The chief election officer shall issue a proclamation designating the election for filling the vacancy All candidates for the unexpired term shall file nomination papers not later than 4 30 p m on the [thirtieth] fiftieth day prior to the special election (but if such day is a Saturday, Sunday, or holiday then not later than 4 30 p m on the first working day immediately preceding) and shall be elected in accordance with this title Pending the election, the board or the governor shall make a temporary appointment to fill the vacancy in the manner prescribed under subsection (a) When island residency is required under section 13D-1, the person so appointed shall reside on the island from which the vacancy occurred, and shall serve for

the duration of the unexpired term and shall serve until the election of the person duly elected to fill such vacancy.

(2) If it occurs after the [thirtieth] sixtieth day prior to the next succeeding special election held in conjunction with the general election, the board or the governor shall make an appointment to fill the vacancy in the manner prescribed under subsection (a). When island residency is required under section 13D-1, the person so appointed shall reside on the island from which the vacancy occurred, and shall serve for the duration of the unexpired term."

SECTION 5. Section 17-5, Hawaii Revised Statutes, is repealed.

SECTION 6. Section 12-2.5, Hawaii Revised Statutes, is amended to read as follows:

"**§12-2.5[Nomination papers; when available.** Nomination papers shall be made available from the first working day of February in every even-numbered year; provided that in the case of a special primary or special election, nomination papers shall be made available [sixty] at least ten days prior to the close of filing."

SECTION 7. Section 12-5, Hawaii Revised Statutes, is amended to read as follows:

"**§12-5 Nomination papers: number of signers.** (a) Nomination papers for candidates for members of Congress, governor, lieutenant governor, and the board of education shall be signed by not less than twenty-five registered voters of the State or of the Congressional district or school board district from which the candidates are running in the case of candidates for the United States House of Representatives or for the board of education.

(b) Nomination papers for candidates for either branch of the legislature and for county office shall be signed by not less than fifteen registered voters of the district or county or subdivision thereof for which the person nominated is a candidate.

(c) Nomination papers for candidates for members of the board of trustees of the office of Hawaiian affairs shall be signed by not less than twenty-five persons registered as prescribed under section 11-15(b).

(d) No signatures shall be required on nomination papers for candidates filing to run in a special primary or special election to fill a vacancy."

SECTION 8. Section 12-6, Hawaii Revised Statutes, is amended to read as follows:

"**Nomination papers: time for filing; fees.**[(a) Nomination papers shall be filed as follows: for members of Congress, state, and county offices, and the board of trustees of the office of Hawaiian affairs, with the chief election officer, or clerk in case of county offices, not later than 4:30 p.m. on the sixtieth calendar day prior to the primary, or not later than 4:30 p.m. on the fiftieth day prior to the special primary, or special election [(but] provided that if such day is a Saturday, Sunday, or holiday then not later than 4:30 p.m. on the first working day immediately preceding[]);[provided further that any state candidate from the counties of Hawaii, Maui, and Kauai may file the declaration of candidacy with the respective clerk. The clerk shall transmit to the office of the chief election officer the state candidate's declaration of candidacy without delay.

However, if a special primary or special election is to be held by a county and the county charter requires that the council shall issue a proclamation calling for the election to be held within a specified period of time and if that requirement would not allow the filing of nomination papers with the appropriate office by the sixtieth calendar day prior to the day for holding the special primary or special election, the council shall establish the deadline for the filing of nomination papers in the proclamation calling for the election

(b) There shall be deposited with each nomination paper a filing fee on account of the expenses attending the holding of the primary, special primary or special election which shall be paid into the treasury of the State, or county, as the case may be as a realization

(1) For United States senators and United States representatives—$75,
(2) For governor and lieutenant governor—$750,
(3) For mayor $500, and
(4) For all other offices $250

(c) Upon the receipt by the chief election officer or the clerk of the nomination paper of a candidate, the day, hour and minute when it was received shall be endorsed thereon

(d) Upon the showing of a certified copy of an affidavit which has been filed with the campaign spending commission pursuant to section 11-208 by a candidate who has voluntarily agreed to abide by spending limits the chief election officer or clerk shall discount the filing fee of the candidate by the following amounts

(1) For the office of governor and lieutenant governor—$675,
(2) For the office of mayor—$450, and
(3) For all other offices—$225

(e) The chief election officer or clerk shall waive the filing fee in the case of a person who declares, by affidavit, that the person is indigent and who has filed a petition signed by currently registered voters who constitute at least one-half of one per cent of the total voters registered at the last preceding general election in the respective district or districts which correspond to the specific office for which the indigent person is a candidate This petition shall be submitted on the form prescribed and provided by the chief election officer together with the nomination paper required by this chapter "

SECTION 9 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 10 This Act shall take effect upon its approval

(Approved April 23 1990)

Notes

1 So in original
2 Edited pursuant to HRS §23G-16 5

ACT 36 H B NO 2394

A Bill for an Act Relating to Health Care Professionals

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 451D-2, Hawaii Revised Statutes, is amended by amending the definition of 'board ' to read as follows

" "Board" means the board of dental examiners, the board of medical examiners, the board of psychology, the board of nursing, the board of osteopathic examiners, and the board of veterinary examiners."

SECTION 2. Section 451D-2, Hawaii Revised Statutes, is amended by amending the definition of "health care professional" to read as follows:

" "Health care professional" includes physicians and surgeons and others licensed pursuant to chapters 453 and 460, podiatrists licensed pursuant to chapter 463E, dentists licensed pursuant to chapter 448, psychologists licensed pursuant to chapter 465, nurses licensed pursuant to chapter 457, and veterinarians licensed pursuant to chapter 471."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 23, 1990.)

ACT 37 H.B. NO. 2430

A Bill for an Act Relating to Special Number Plates.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 249-9.1, Hawaii Revised Statutes, is amended to read as follows:

"**§249-9.1 Special number plates.** In [lieu of] addition to the number plates contracted on behalf of the counties by the director of finance of the city and county of Honolulu, the director of finance [shall] may provide, upon request, special number plates. The special number plates shall conform to the requirements provided for the uniform number plates except that the owner [shall be consulted in] may request the choice and arrangement of letters and numbers. The maximum number of letters and numbers shall be six and only one hyphen will be allowed in addition to and in lieu of the six letters and numerals. No other punctuation marks shall be allowed. The director of finance shall not issue special number plates which have the letter and numeral combination of regular plates, are misleading or publicly objectionable. The fee for special number plates shall be [$100] $25 upon initial application and $25 upon each annual renewal of the vehicle registration. This fee shall not be refundable. Re-application for special number plates must be made upon a change in design of regular plates. The director of finance shall prescribe rules pursuant to chapter 91 to carry out the provisions of this section."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 1990.

(Approved April 23, 1990.)

ACT 38 H B NO 2516

A Bill for an Act Relating to Insurance

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 431 10D-205 Hawaii Revised Statutes, is amended to read as follows

"**§431:10D-205 Trustee groups.** The lives of a group of individuals may be insured under a policy issued to the trustees of a fund established by two or more employers [in the same industry] or by one or more labor unions, or by one or more employers and one or more labor unions which trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions for the benefit of persons other than the employers or the unions, subject to the following requirements

(1) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof The policy may provide that the term employees shall include

(A) The employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships, or partnerships if the business of the employer and [such] the affiliated corporations, proprietorships or partnerships [is] are under common control,

(B) The individual proprietor or partners if the employer is an individual proprietor or a partnership,

(C) Retired employees, and

(D) The trustees or their employees, or both, if their duties are principally connected with [such] the trusteeship

No director of a corporate employer shall be eligible for insurance under the policy unless [such] the person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director No individual proprietor or partner shall be eligible for insurance under the policy unless the individual proprietor or partner is actively engaged in and devotes a substantial part of the individual proprietor's or partner's time to the conduct of the business of the proprietorship or partnership

(2) The premium for the policy shall be paid wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both, or, except in the case of a policy issued to the trustees of a fund established wholly by two or more employers, partly from [such] those funds and partly from funds contributed by the insured persons No policy may be issued to the trustees of a fund established wholly by two or more employers on which any part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance A policy on which part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance may be placed in force only if at least seventy-five per cent of the then eligible persons, excluding any as to whom evidence of insurability is not satisfactory to the insurer elect to make the required contributions Except as provided in [item] paragraph (3), a policy on which

no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, except those who reject [such] that coverage in writing.

(3) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

(4) The policy must cover at date of issue at least twenty-five persons and not less than an average of four persons per employer unit; and if the fund is established by the members of an association of employers the policy may be issued only if:

(A) Either:

(i) The participating employers constitute at date of issue at least thirty-three and one-third per cent of those employer members whose employees are not already covered for group life insurance, or

(ii) The total number of persons covered at date of issue exceeds two hundred; and

(B) The policy shall not require that, if a participating employer discontinues membership in the association, the insurance of the employer's employees shall cease solely by reason of [such] the discontinuance.

(5) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or unions."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 23, 1990.)

ACT 39 H.B. NO. 2571

A Bill for an Act Relating to Proof of Financial Responsibility.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 287-4, Hawaii Revised Statutes, is amended to read as follows:

"§287-4 Report required following accident. The driver of every motor vehicle which is in any manner involved in an accident within this State in which any person is killed or injured or in which damage to the property of any one person, including the driver, to an apparent extent in excess of [$300] $1,000 is sustained shall at the earliest practical time, and in any event within twenty-four hours after the accident, report the matter in writing or in person to the chief of police. The report, the form of which shall be prescribed by the chief of police and administrator, shall contain information to enable the administrator to determine whether the requirements for the deposit of security under sections 287-5 and 287-6 are inapplicable by reason of the existence of insurance or other exceptions specified in this chapter. If the driver is physically incapable of making the report, any other occupant in the vehicle at the time of the accident

capable of making the report shall make or cause to be made the report not made by the driver, and the registered owner of the motor vehicle involved in the accident shall, unless the report is filed, within ten days after learning of the accident make the report The driver, occupant, and registered owner shall furnish such additional relevant information as the chief of police or administrator shall require If the reports required hereunder are made pursuant to any ordinance or other provision or requirement of law, no additional report, except as specifically provided herein, shall be required hereby "

SECTION 2 Section 287-5, Hawaii Revised Statutes, is amended to read as follows

"**§287-5 Security required unless evidence of insurance.** If twenty days after the receipt of a report of a motor vehicle accident within this State which has resulted in bodily injury or death or damage to property of any one person in excess of [$300] $1,000, the administrator does not have on file evidence satisfactory to the administrator that the person who would otherwise be required to file security under section 287-6 has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the administrator shall determine the amount of security which is sufficient in the administrator's judgment to satisfy any judgment or judgments for damages resulting from the accident as may be recovered against each driver or owner This section shall be applicable to each driver or owner notwithstanding that the administrator determines that the amount of security required hereunder shall as to any such driver or owner be less [that $300] than $1,000 "

SECTION 3 Section 287-20, Hawaii Revised Statutes, is amended to read as follows

"**§287-20 Proof of financial responsibility required upon conviction of certain offenses.** (a) Whenever a driver's license has been suspended or revoked pursuant to section 286-155, or upon a conviction of any offense pursuant to law, or in the case of minors, suspended or revoked pursuant to part V of chapter 571, the license shall not at any time thereafter be issued to the person whose license has been suspended or revoked, nor shall the person thereafter operate a motor vehicle, unless and until the person has furnished and thereafter maintains proof of financial responsibility Whenever by reason of a conviction of, or adjudication under part V of chapter 571 by reason of, any of the offenses listed in this section, under the laws of the State or ordinances of any political subdivision, a court of competent jurisdiction has discretion to revoke or suspend a driver's license but does not revoke or suspend the license, the administrator shall nevertheless after the expiration of thirty days from the date of conviction or adjudication suspend the license and shall keep the same suspended, and the person so convicted or adjudicated shall not thereafter operate a motor vehicle, unless and until the person so convicted or adjudicated furnishes and thereafter maintains proof of financial responsibility The offenses referred to are

(1) Reckless or inattentive driving, driving while under the influence of intoxicating liquor, driving while under the influence of drugs and driving while that person's license has been suspended or revoked,
(2) Conviction or adjudication under part V of chapter 571 by reason of any moving violation offense involving a motor vehicle if the motor

vehicle is in any manner involved in an accident in which any person is killed or injured, or in which damage to property results to an apparent extent in excess of [$300] $1,000 and there are reasonable grounds for the administrator to believe that the defendant is at fault;

(3) Failure to have an effective no-fault insurance policy

(b) If any person, at any time of conviction of, or adjudication under part V of chapter 571 by reason of, any of the offenses in subsection (a), does not hold a valid driver's license, no license shall at any time thereafter be issued to the person unless and until the person furnishes and thereafter maintains proof of financial responsibility."

SECTION 4. Section 291C-16, Hawaii Revised Statutes, is amended to read as follows.

"**§291C-16 Immediate notice of accident.** (a) The driver of a vehicle involved in an accident resulting in injury or death of any person or total damage to all property to an apparent extent of [$300] $1,000 or more shall immediately by the quickest means of communication give notice of the accident to the nearest police office

(b) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection (a) and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver."

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon approval.

(Approved April 23, 1990.)

ACT 40 H.B. NO. 3121

A Bill for an Act Relating to Mortgage Brokers.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 454-3,[1] Hawaii Revised Statutes, is amended to read as follows:

"(c) Every person licensed as a mortgage broker shall deposit with the commissioner, prior to doing business, a bond in the amount of $50,000, executed by the mortgage broker as principal and a surety company authorized to do business in the State as a surety[.], provided that a mortgage broker who does not engage in mortgage servicing or collecting may apply to the commissioner for a lower bond requirement of $15,000 on the application form prescribed by the commissioner. The bond shall be conditioned upon the faithful compliance of the broker with the provisions of this chapter. The bond shall run to the State for the benefit of any person injured by the wrongful act, default, fraud, or misrepresentation of the broker or the solicitors, provided that the aggregate liability of the surety shall, in no event, exceed the sum of the bond. The surety may cancel the bond by giving sixty days' notice in writing to the

commissioner and shall thereafter be relieved of any liability for any breach of condition occurring after the effective date of cancellation. A mortgage broker's license shall not be in effect at any time when the bond is not in full force and effect. Only one bond shall be required of any person."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 23, 1990.)

Note

1. So in original.

ACT 41 S.B. NO. 2312

A Bill for an Act Relating to Condominium Hotel Operators.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that insurance companies are hesitant to issue fidelity bonds to condominium hotel operators, due primarily to conflicting language in the Hawaii Revised Statutes. Hence, out of forty-nine registered condominium hotel operators, only nine have submitted proof of fidelity bond coverage as provided by law. The purpose of this Act is to strengthen the law relating to condominium hotel operators by (1) clarifying fidelity bond requirements and coverage, and (2) requiring payment of an application fee to defray administrative and review costs.

SECTION 2. Section 467-30, Hawaii Revised Statutes, is amended to read as follows:

"**§467-30 Registration, licenses and bonding required to operate condominium hotel.** (a) As used in this section, "condominium hotel" includes those apartments in a project as defined in section 514A-3 and subject to chapter 514A, which are used to provide transient lodging for periods of less than thirty days.

(b) Any sole proprietor, partnership, corporation, or other business entity operating a condominium hotel who is not a custodian or caretaker as defined in section 467-1 shall:

(1) Obtain a license as a real estate broker in compliance with this chapter and the rules of the commission;

(2) Register on an annual basis as a condominium hotel operator. Registration information shall include but not be limited to the number of apartment units managed for others as well as the number of apartment units owned by the condominium hotel operator. Any operator failing to register with the commission shall be subject to a fine not exceeding an amount equal to $25 multiplied by the aggregate number of units being utilized as a condominium hotel. Each month or fraction of a month of noncompliance shall be deemed a new and separate violation;

(3) Provide evidence of fidelity bonding to the commission in an amount equal to $500 multiplied by the aggregate number of apart-

ment units in the condominium hotel operation; provided that the minimum of the bond required by this paragraph shall not be less than $20,000 nor greater than $100,000. The aggregate number of units excludes the number of units owned by the condominium hotel operator either as a sole proprietor, partnership, or corporation or those units included in a registered time share plan managed by a registered time share plan manager. The bond shall [protect the apartment owners against fraudulent or dishonest acts by the condominium hotel operator and by persons acting on behalf of the condominium hotel operator having custody and control of either the condominium hotel operator's or the apartment owner's funds, or both; and] cover all of the condominium hotel operator's employees handling or having custody and control of either the condominium hotel operator's or the apartment owner's funds, or both; and

(4) Pay an application fee and upon approval an initial and an annual registration fee as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91, which fees shall be deposited with the director of finance to the credit of the general fund.

(c) In the course of operating a condominium hotel, neither a real estate broker license nor a salesperson license shall be required of those employees of any sole proprietor, partnership, corporation, or other business entity performing or facilitating the delivery of customary hotel services.

(d) All [persons] employees handling or having custody or control of the funds received by the condominium hotel operator shall be covered by a fidelity bond. The fidelity bond shall protect the condominium hotel operator against fraudulent or dishonest acts by the employees of the condominium hotel operator.

(e) As used in this section "operating a condominium hotel" includes the management of the apartment units in a condominium project for purposes of providing transient lodging, and includes the renting or leasing of condominium apartment units directly or indirectly from the apartment owners for purposes of providing transient lodging.

(f) Condominium hotel operators operating exclusively in condominium projects specifically authorized as hotels by county zoning and regulations and specifically permitted by the condominium project's declaration and bylaws shall be exempt from [the provisions of] subsection (b)(1); provided that they shall apply to the commission for [such] the exemption or exclusion on a form provided by the commission.

(g) Any [apartment owner] condominium hotel operator aggrieved by the fraudulent or dishonest acts of [a condominium hotel operator or by the fraudulent or dishonest acts of any person acting on behalf of a condominium hotel operator] an employee shall [seek recovery first] act promptly and diligently to recover from the fidelity bond required by this section [and second, where the condominium hotel operator or the person acting on behalf of the condominium hotel operator is a real estate licensee, from the real estate recovery fund pursuant to section 467-18]. The condominium hotel operator shall apply all proceeds received from the fidelity bond against all losses incurred by apartment owners due to fraudulent or dishonest acts by employees. If more than one apartment owner suffers a loss, the condominium hotel operator shall divide the proceeds among the apartment owners in proportion to each apartment owner's loss.

(h) All persons handling or having custody and control of either the condominium hotel operator's or the apartment owner's funds shall be either employees of the condominium hotel operator or principals of the condominium hotel operator."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 23, 1990.)

ACT 42

S.B. NO. 3140

A Bill for an Act Relating to the University of Hawaii.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 304, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§304- Conference center revolving fund.** There is established a revolving fund for the conference center program in the college of continuing education and community service of the University of Hawaii, Manoa campus. All fees, charges, and other moneys collected in conjunction with the conference center program shall be deposited in the revolving fund. The dean of the college of continuing education and community service is authorized to expend funds from the revolving fund for all costs associated with conducting conferences, seminars, and courses by the conference center program, including but not limited to, expenses for honoraria, hotel and room rentals, food and refreshment, printing and mailing, airfare and per diem, leis, rental of audio-visual equipment, and conference supplies and materials, without regard to sections 103-22 and 103-42."

SECTION 2. New statutory material is underscored.[1]

SECTION 3. This Act shall take effect upon its approval.

(Approved April 24, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 43

H.B. NO. 2160

A Bill for an Act Relating to Mopeds.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 249-1, Hawaii Revised Statutes, is amended by amending the definition of "moped" to read as follows:

" "Moped" means a device upon which a person may ride which has two or three wheels in contact with the ground, a motor having a maximum power output capability measured at the motor output shaft, in accordance with the Society of Automotive Engineers standards, of [one and one-half horsepower (one thousand, one hundred nineteen watts)] two horsepower (one thousand four hundred ninety-two watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and which will propel the device, unassisted, on a level surface at a maximum speed no greater than [thirty-five] thirty miles per hour; and a direct or automatic power drive system which requires no clutch or gear shift operation by the moped driver after the drive system is engaged with the power unit."

SECTION 2. Section 286-2, Hawaii Revised Statutes, is amended by amending the definition of "moped" to read as follows:

" "Moped" means a device upon which a person may ride which has two or three wheels in contact with the ground, a motor having a maximum power output capability measured at the motor output shaft, in accordance with the Society of Automotive Engineers standards, of [one and one-half horsepower (one thousand, one hundred nineteen watts)] two horsepower (one thousand four hundred ninety-two watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and which will propel the moped, unassisted, on a level surface at a maximum speed no greater than [thirty-five] thirty miles per hour; and a direct or automatic power drive system which requires no clutch or gear shift operation by the moped driver after the drive system is engaged with the power unit."

SECTION 3. Section 291C-1, Hawaii Revised Statutes, is amended by amending the definition of "moped" to read as follows:

" "Moped" means a device upon which a person may ride which has two or three wheels in contact with the ground, a motor having a maximum power output capability measured at the motor output shaft, in accordance with the Society of Automotive Engineers standards, of [one and one-half horsepower (one thousand, one hundred nineteen watts)] two horsepower (one thousand four hundred ninety-two watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and which will propel the device unassisted, on a level surface at a maximum speed no greater than [thirty-five] thirty miles per hour; and a direct or automatic power drive system which requires no clutch or gear shift operation by the moped driver after the drive system is engaged with the power unit."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved April 26, 1990.)

ACT 44

H B NO 2428

A Bill for an Act Relating to Pupil Transportation

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 286-181, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows

"(a) As used in this section "school vehicle' means any publicly or privately owned motor vehicle used to transport pupils to and from a school as defined in section 298-41 or school functions or school related events, except

(1) A motor vehicle used for transportation of pupils attending schools above the twelfth grade or pupils over eighteen years of age,
(2) A privately owned passenger vehicle when such transportation is provided without compensation of any kind,
(3) A motor vehicle used for transportation of pupils together with other passengers as a part of the regularly scheduled operation of a mass transit system, or
(4) A privately owned [passenger van] motor vehicle when such transportation is provided by a community association or a nonprofit corporation, duly incorporated with the department of commerce and consumer affairs, which operates for the purpose of promoting recreation, health, safety, ridesharing, or social group functions "

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved April 26 1990)

ACT 45

H B NO 2842

A Bill for an Act Relating to Voter Registration

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The purpose of this Act is to provide for the registration of voters by the use of self-subscribing oaths, provide for the registration of voters through mail, and clarify streamline, and update statutory provisions relating to voter challenges and the questionable address procedures taken during elections

SECTION 2 Section 11-15, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows

'(a) Any person qualified to and desiring to register as a voter in any county[, may present oneself at any time during business hours to the clerk of the county, then and there to be registered to vote Each applicant] shall make and subscribe to an application in the form of an affidavit

The affidavit shall contain the following information

(1) Name
(2) Social security number,

(3) Date of birth;
(4) Residence, including mailing address;
(5) That the residence stated in the affidavit is not simply because of the person's presence in the State but that the residence was acquired with the intent to make Hawaii the person's legal residence with all the accompanying obligations therein;
(6) That the person is a citizen."

SECTION 3. Section 11-15, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

"(c) The applicant shall swear to the truth of the allegations by self-subscribing oath in the affidavit on application for voter registration or other form prescribed by the chief election officer. Unless contested by a qualified voter, the clerk may accept, as prima facie evidence, the allegation of the applicant in information required in the affidavit in [item 5 of] subsection [(a),] (a)(5), and the allegation of the applicant that the applicant is Hawaiian required in subsection (b). In any other case where the clerk shall so desire or believe the same to be expedient, the clerk may demand that the applicant furnish substantiating evidence to the allegations of the applicant's application.

(d) [If the clerk is satisfied that the applicant is entitled to be registered as a voter, the] The applicant shall then affix the applicant's signature to the affidavit. In the case where an applicant is unable to write for reason of illiteracy, blindness, or other physical disability [the clerk shall enter "Unable to sign" and the reason in the space for the applicant's signature.] the applicant's mark shall be witnessed by another person who shall sign the affidavit in the space provided. A voter having once been registered shall not be required to register again for any succeeding election, except as [hereinafter] provided[.] in this chapter. [The affidavits so] Affidavits approved [or accepted] by the clerk shall thereupon be numbered appropriately, filed by the clerk and kept in some convenient place so as to be open to public inspection and examination[.] for election purposes in accordance with this chapter."

SECTION 4. Section 11-16, Hawaii Revised Statutes, is amended to read as follows:

"**§11-16 Application when not made in person.** (a) Any qualified person unable for any cause to present oneself in person before the clerk for registration may [secure from the clerk an application form which may be filled out. This form may be sworn to before any commissioned officer in the active service of the Armed Forces, any member of the merchant marine of the United States designated for this purpose by the Secretary of Commerce, the head of any department or agency of the United States, or by an employee specifically designated by such head, or any civilian official empowered by state or federal law to administer oaths.] register to vote by mail, not later than thirty days prior to a primary or general election, through the affidavit on application for voter registration or other form prescribed by the chief election officer. The form shall include a self-subscribing oath for the applicant to swear to the truth of the allegations in the application. An applicant unable to write for reason of illiteracy, blindness, or other physical disability shall have the applicant's mark witnessed by a person who shall sign the affidavit in the space provided. Application forms shall be made available to any qualified person through community groups, political parties, and other groups prescribed by the chief election officer. Application forms shall be made available to any qualified

person at the time of that person's driver's license application or renewal through the examiner of drivers

(b) Upon receipt of the properly executed application, the clerk shall proceed to number the same and register the name of the voter in the general county register as provided in section 11-15 In registering persons under this section the clerk may accept requests for absentee ballot submitted in accordance with the Federal Voting Assistance Act of 1955 or other similar federal law as being sufficient for registration purposes "

SECTION 5 Section 11-17, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows

"(b) The clerk shall also identify or remove the name of any registered voter, if the clerk, after mailing a notice or other correspondence, properly addressed, with postage prepaid, receives the notice or other correspondence as return mail with a postal notation that the notice or other correspondence was not deliverable [because the addressee has moved without leaving a forwarding address Persons who submit written requests for absentee ballots as provided in section 15-4 are excluded from this subsection] On election day, any person identified or removed shall have the person's name corrected or restored in the register and shall be allowed to vote if the person completes an affidavit or other form prescribed by the chief election officer affirming that the person claims the person's legal residence at the address listed on the register, changed the person's legal residence after the closing of the register for that election, or, moved to a new residence within the same precinct as the person's residence as listed on the register "

SECTION 6 Section 11-22, Hawaii Revised Statutes, is amended to read as follows

"§11-22 Changing register; correction of errors. (a) The clerk shall correct the register if at any time it shall be manifest to the clerk that the name of a person registered has been accidentally misspelled, or that the person has been misnamed therein, or that the person has been accidentally registered under the wrong precinct[ ], or that the person was accidentally removed pursuant to section 11-17(a), or that the name of the person should be corrected or restored pursuant to section 11-17(b)

(b) In any case where the clerk refuses to correct the register the person may appeal to the board of registration and the register shall be changed upon a written order of the board of registration, setting forth the reasons for the change The order shall be directed to the clerk or to the precinct officials of the election precinct where the voter is entitled to vote if the register has been closed The precinct officials shall thereupon correct the list of voters furnished them according to the terms of the order, noting on the list the reasons for the correction, and shall send the original order to the clerk as soon as may be possible after the close of the polls The clerk, upon receipt of any order from the board of registration or from the precinct officials, as the case may be, shall correct the register according to the terms of the order, making on the register a reference to the order "

SECTION 7 Section 11-26, Hawaii Revised Statutes, is amended to read as follows

"**§11-26 Appeal from ruling on challenge; or failure of clerk to act.** (a) In cases where the clerk, or precinct officials, rules on a challenge on election day, the person ruled against may appeal from the ruling to the board of registration of the person's county for review under part III. The appeal shall be brought before the challenger and challenged party leave the polling place. If an appeal is brought, both the challenger and the challenged voter may be parties to the appeal.

(b) In cases where the clerk [or the precinct officials ruled] rules on a challenge, prior to election day, or [the clerk] refuses to register an applicant, or refuses to change the register under section 11-22, the person ruled against may appeal from the ruling to the board of registration of the person's county. The appeal shall be brought within ten days of service of the adverse decision. Service of the decision shall be made personally or by registered mail, which shall be deemed complete upon deposit in the mails, postage prepaid, and addressed to the aggrieved person's last known address. If an appeal from a decision on a challenge prior to election day is brought, both the challenger and the challenged voter may be parties to the appeal.

(c) If the appeal is sustained, the board shall immediately certify that finding to the clerk, who shall thereupon alter the register to correspond to the findings of the board, and when necessary, the clerk shall notify the precinct officials of the change in the register."

SECTION 8. Section 11-43, Hawaii Revised Statutes, is amended to read as follows:

"**§11-43 Powers[.]; procedures.** (a) Each board of registration is given all of the powers and authority for the summoning and examining of witnesses and the maintenance of order, including the power to punish for contempt and award witness fees in accordance with section 621-7, by law given to circuit courts.

(b) Every member of the board of registration may administer oaths in all cases in which oaths are by law authorized.

(c) The procedures for challenges and appeals under sections 11-25 and 11-26 and this part shall be exempt from the provisions of chapter 91 regarding contested case hearings, but shall be administered according to rules adopted by the chief election officer."

SECTION 9. Section 11-51, Hawaii Revised Statutes, is amended to read as follows:

"**§11-51 Appeal from board to supreme court.** Any affected person, political party, or any of the county clerks, may[, not later than 4:30 p.m. on the tenth day after the decision of the board of registration,] appeal to the supreme court subject to chapter 602, in the manner provided for civil appeals to [such] the supreme court from the circuit court[.]; provided that the appeal is brought no later than 4:30 p.m. on the tenth day after the board serves its written decision, including findings of fact and conclusions of law, upon the appellant. This written decision of the board shall be a final appealable order. The board shall not consider motions for reconsideration. Service upon the appellant shall be made personally or by registered mail, which shall be deemed complete upon deposit in the mails, postage prepaid, and addressed to the appellant's last known address."

SECTION 10 Section 286-108. Hawaii Revised Statutes, is amended to read as follows

"**§286-108 Examination of applicants.** (a) The examiner of drivers shall examine every applicant for a driver's license, except as otherwise provided in this part The examination shall be held in the county where the applicant resides within ten days from the date of the filing of the application It shall include a test of the applicant's eyesight and such further physical examination as the examiner of drivers finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways; the applicant's ability to understand highway signs regulating, warning, and directing traffic, the applicant's knowledge of the rules of the road based on the traffic laws of the State and the traffic ordinances of the county where the applicant resides or where the applicant intends to operate a motor vehicle, and actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle The examinations shall be appropriate to the operation of the category of motor vehicle for which the applicant seeks to be licensed and shall be conducted as required by the state director of transportation At the time of examination, an application for voter registration by mail shall be made available to every applicant

(b) The examiner of drivers may waive the actual demonstration of ability to operate a motor vehicle for any person who is at least eighteen years of age and who possesses a valid driver's license issued to the applicant in any other state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, a province of the Dominion of Canada, or the Commonwealth of the Northern Mariana Islands for the operation of vehicles in categories 1 through 3 of section 286-102

(c) As part of the examination required by this section the applicant for a driver's license shall produce and display a valid no-fault insurance identification card for the motor vehicle required by section 294-8 5, when the applicant demonstrates the ability to operate a motor vehicle to the satisfaction of the examiner of drivers If no valid no-fault insurance identification card is displayed, the examiner of drivers shall not issue a driver's license to the applicant "

SECTION 11 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 12 This Act shall take effect upon its approval

(Approved April 26, 1990)

ACT 46 H B NO 2903

A Bill for an Act Relating to Controlled Substances

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Chapter 329, Hawaii Revised Statutes, is amended by adding to part III a new section to be appropriately designated and to read as follows

"**§329- Administration and dispensing of methadone in registered and approved treatment programs.** Notwithstanding any other provision of law to the contrary, methadone may be administered or dispensed or both as part of a

state-registered and Federal Food and Drug Administration approved methadone treatment program by a practitioner who is licensed and registered under state and federal law to administer, prescribe, and dispense methadone for patients or by an agent of the practitioner, supervised by and under the order of the practitioner. The agent must be a pharmacist, registered nurse, or licensed practical nurse. The licensed practitioner shall be responsible for the amounts of methadone administered or dispensed in accordance with Federal Food and Drug Administration regulations and shall record, approve, and countersign all changes in dosage schedules.

The term "methadone treatment program" as used in this section means an organization or a person (including a private physician) that administers or dispenses methadone to a narcotic-dependent person for maintenance or detoxification treatment and who provides the medical and rehabilitative services required by 21 C.F.R. part 291 and is approved to do so by the State and by the United States Food and Drug Administration, and who holds a controlled substance registration as required by this chapter and the United States Drug Enforcement Administration to use methadone for the treatment of narcotic-dependent persons.

The term "narcotic-dependent person" as used in this section means an individual who physiologically needs heroin or a morphine-like drug to prevent the onset of signs of withdrawal."

SECTION 2. New statutory material is underscored.[1]

SECTION 3. This Act shall take effect upon its approval.

(Approved April 26, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 47

S.B. NO. 2288

A Bill for an Act Relating to the Judiciary.

Be It Enacted by the Legislature of the State of Hawaii:

Section 1. Chapter 601, Hawaii Revised Statutes is amended by adding a new section to be appropriately designated and to read as follows:

"**§601- Supreme court law library special fund**. There is established a special fund for the statewide supreme court law library system into which shall be deposited all fines, fees, and other revenue derived from the system's operations. Moneys deposited in this fund may be expended to replace or repair lost, damaged, stolen, unreturned, or outdated books, serials, periodicals, and other library materials, or to support and improve law library services."

Section 2. New statutory material is underscored.[1]

Section 3. This Act shall take effect upon its approval.

(Approved April 26, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 48 H B NO 2882

A Bill for an Act Relating to the Molokai Irrigation and Water Utilization Project

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Purpose Act 179, Session Laws of Hawaii 1987, added a new section (subsequently designated as section 175-2 5) to chapter 175 Hawaii Revised Statutes, to establish until June 6, 1991, the Molokai irrigation system water users advisory board Act 306, Session laws of Hawaii 1987, provided for the repeal of chapter 175, Hawaii Revised Statutes, effective July 1 1989, concurrent with the transfer of the Molokai irrigation system from the department of land and natural resources to the department of agriculture Act 306's repeal of chapter 175, without exception for the board, literally terminated the board's existence as of July 1, 1989 Notwithstanding the repeal of chapter 175, Hawaii Revised Statutes, it was not the intent of the legislature to terminate this board's existence before the originally specified termination date of June 6, 1991 The purpose of this Act is to clarify the ambiguity as to the status of the Molokai irrigation system water users advisory board and assure continuation of the board until its original expiration date Further, in view of the brief time remaining to the board and the time required for the designation, appointment and confirmation process, the board members last appointed pursuant to repealed section 175-2 5, Hawaii Revised Statutes are designated to serve for the balance of the board's duration

SECTION 2 There is established until June 6, 1991, a Molokai irrigation system water users advisory board, consisting of five members, as follows a homestead farmer user on Molokai, a non-homestead farmer user on Molokai, a designee of the Molokai farm bureau, a designee of Hikiola Cooperative, Inc , and a designee of the Molokai-Lanai soil and water conservation district The last members of the Molokai irrigation system water users advisory board to be appointed by the governor pursuant to former section 175-2 5, Hawaii Revised Statutes, shall continue to serve and perform their functions until June 6, 1991 the duration of the board In the event a member is unable to serve, the governor may appoint a replacement without regard to section 26-34, Hawaii Revised Statutes The members of the advisory board shall serve without compensation, but shall be entitled to reimbursement for necessary expenses while attending meetings and while in the discharge of their duties For administrative purposes, the advisory board shall be placed within the department of agriculture

SECTION 3 The advisory board shall meet with the department of agriculture at least six times each year The meetings shall be held on Molokai whenever possible The advisory board shall advise the department on matters of concern to the users of the system and shall obtain from the department information regarding the system, including, but not limited to, a long-range plan for the system

SECTION 4 This Act shall take effect upon its approval

(Approved April 27 1990)

ACT 49 S.B. NO. 2220

A Bill for an Act Relating to Public Utilities.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Findings and purpose. The legislature finds that changes and advancements in technology have produced a diversity in the supply of telecommunications services available to consumers. Further, the legislature declares that it is the goal of the State to secure and maintain high quality universal telecommunications services at just and reasonable rates for all classes of customers and to encourage innovation within the telecommunications industry by a combination of regulation and competition in varying degrees.

The purpose of this act is to provide for flexible regulation by the public utilities commission to allow for such competition among telecommunications providers as the commission determines to be in the public's interest.

SECTION 2. Chapter 269, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§269- Telecommunications providers and services.** (a) Notwithstanding any provision of this chapter to the contrary, the commission may, upon its own motion or upon the application of any person, and upon notice and hearing, exempt a telecommunications provider or a telecommunications service from any or all of the provisions of this chapter upon a determination that the exemption is in the public interest. In determining whether an exemption is in the public interest, the commission shall consider whether the exemption promotes state policies in telecommunications, the development, maintenance, and operation of effective and economically efficient telecommunications services, and the furnishing of telecommunications services at just and reasonable rates and in a fair manner in view of the needs of the various customer segments of the telecommunications industry. Among the specific factors the commission may consider are:

(1) The responsiveness of the exemption to changes in the structure and technology of the State's telecommunications industry;
(2) The benefits accruing to the customers and users of the exempt telecommunications provider or service;
(3) The impact of the exemption on the quality, efficiency, and availability of telecommunications services;
(4) The impact of the exemption on the maintenance of fair, just, and reasonable rates for telecommunications services;
(5) The likelihood of prejudice or disadvantage to ratepayers of basic local exchange service resulting from the exemption;
(6) The effect of the exemption on the preservation and promotion of affordable, universal, basic telecommunications services as those services are determined by the commission;
(7) The resulting subsidization, if any, of the exempt telecommunications service or provider by nonexempt services;
(8) The impact of the exemption on the availability of diversity in the supply of telecommunications services throughout the State;
(9) The improvements in the regulatory system to be gained from the exemption, including the reduction in regulatory delays and costs;
(10) The impact of the exemption on promoting innovations in telecommunications services;

(11) The opportunity provided by the exemption for telecommunications providers to respond to competition, and

(12) The potential for the exercise of substantial market power by the exempt provider or by a provider of the exempt telecommunications service

(b) The commission shall expedite, where practicable, the regulatory process with respect to exemptions and shall adopt guidelines under which each provider of an exempted service shall be subject to similar terms and conditions.

(c) The commission may condition or limit any exemption as the commission deems necessary in the public interest. The commission may provide a trial period for any exemption and may terminate the exemption or continue it for such period and under such conditions and limitations as it deems appropriate.

(d) The commission may require a telecommunications provider to apply for a certificate of public convenience and necessity pursuant to section 269-7.5, provided that the commission may waive any application requirement whenever it deems the waiver to be in furtherance of the purposes of this section. The exemptions under this section may be granted in a proceeding for certification or in a separate proceeding.

(e) The commission may waive other regulatory requirements under this chapter applicable to telecommunications providers when it determines that competition will serve the same purpose as public interest regulation.

(f) If any provider of an exempt telecommunications service or any exempt telecommunications provider elects to terminate its service, it shall provide notice of this to its customers, the commission, and every telephone public utility providing basic local exchange service in this State. The notice shall be in writing and given not less than six months before the intended termination date. Upon termination of service by a provider of an exempt service or by an exempt provider, the appropriate telephone public utility providing basic local exchange service shall ensure that all customers affected by the termination receive basic local exchange service. The commission shall, upon notice and hearing or by rule, determine the party or parties who shall bear the cost, if any, of access to the basic local exchange service by the customers of the terminated exempt service.

(g) Upon the petition of any person or upon its own motion, the commission may rescind any exemption or waiver granted under this section if, after notice and hearing, it finds that the conditions prompting the granting of the exemption or waiver no longer apply, or that the exemption or waiver is no longer in the public interest, or that the telecommunications provider has failed to comply with one or more of the conditions of the exemption or applicable statutory or regulatory requirements."

SECTION 3. Section 269-1, Hawaii Revised Statutes, is amended by amending the definition of "public utility" to read as follows:

"'Public utility' [means and] includes every person who may own, control, operate, or manage as owner, lessee, trustee, receiver, or otherwise, whether under a franchise, charter, license, articles of association, or otherwise, any plant or equipment, or any part thereof, directly or indirectly for public use, for the transportation of passengers or freight, or the conveyance or transmission of [telephone or telegraph] telecommunications messages, or the furnishing of facilities for the transmission of intelligence by electricity by land or water or air within the State, or between points within the State, or for the production, conveyance, transmission, delivery, or furnishing of light, power, heat, cold,

water, gas, or oil, or for the storage or warehousing of goods, or the disposal of sewage; provided that the term:

(1) [Means and includes] Includes any person, insofar as [such] that person owns or operates a private sewer company or sewer facility;

(2) Shall not include any person insofar as [such] that person owns or operates an aerial transportation enterprise;

(3) Shall not include persons owning or operating taxicabs, as defined [herein] in this section;

(4) Shall not include common carriers transporting only freight on the public highways, unless operating within localities or along routes or between points which the public utilities commission finds to be inadequately serviced without regulation under this chapter;

(5) Shall not include persons engaged in the business of warehousing or storage unless the commission finds that regulation thereof is necessary in the public interest;

(6) Shall not include the business of any carrier by water to the extent that [such] the carrier enters into private contracts for towage, salvage, hauling, or carriage between points within the State and the carriage is not pursuant to either an established schedule or an undertaking to perform carriage services on behalf of the public generally, and also shall not include the business of any carrier by water, substantially engaged in interstate or foreign commerce, transporting passengers on luxury cruises between points within the State or on luxury round-trip cruises returning to the point of departure; [and]

(7) Shall not include any person who (A) controls, operates, or manages plants or facilities for production, transmission, or furnishing of power primarily or entirely from non-fossil fuel sources, and (B) provides, sells, or transmits all of [such] that power, except such power as is used in its own internal operations, directly to a public utility for transmission to the public[.]; and

(8) Shall not include a telecommunications provider only to the extent determined by the commission pursuant to section 269- .

In the event the application of this chapter is ordered by the commission in any case provided in paragraphs (4) [and], (5), and (8), the business of any public utility [which] that presents evidence of bona fide operation on the date of the commencement of the proceedings resulting in the order shall be presumed to be necessary to public convenience and necessity, but any certificate issued under this proviso shall nevertheless be subject to such terms and conditions as the commission may prescribe, as provided in section 269-20 and section 269- ."

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.[1]

SECTION 6. This Act shall take effect upon its approval.

(Approved May 2, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 50

H B. NO. 2536

A Bill for an Act Relating to Foreign-Money Claims

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows.

"CHAPTER
UNIFORM FOREIGN-MONEY CLAIMS ACT

§ **-1 Definitions.** In this chapter:

"Action" means a judicial proceeding or arbitration in which a money payment may be awarded or enforced in respect of a foreign money claim.

"Conversion date" means the banking day next before the date on which money is, in accordance with this chapter:

(1) Paid to a judgment creditor;
(2) Paid to the designated official enforcing a judgment on behalf of the judgment creditor, or
(3) Used to effect a recoupment or set-off of claims in different moneys in an action

"Distribution proceeding" means a judicial or nonjudicial proceeding for an accounting, an assignment for the benefit of creditors, a foreclosure, for the liquidation or rehabilitation of a corporation or other entity, for the distribution of an estate, trust, or other fund in or against which a foreign-money claim is asserted.

"Foreign money" means money other that' money of the United States of America.

"Foreign-money claim" means a claim upon an obligation to pay, or a claim for recovery of a loss, expressed in or measured by a foreign money.

"Money" means a medium of exchange for the payment of obligations or a store of value authorized or adopted by a government or by intergovernmental agreement.

"Money of the claim" means the money determined as proper by section -4.

"Party" means an individual, a corporation, government or governmental subdivision or agency, business trust, partnership or association of two or more persons having a joint or common interest, or any other legal or commercial entity asserting or defending against a foreign-money claim

"Rate of exchange" means the rate at which the money of one country may be converted into money of another country in a free financial market convenient to or reasonably usable by the party obliged to pay or to state a rate of conversion. If separate exchange rates apply to different kinds of transactions or events, the term means the rate applicable to the particular transaction or event giving rise to the foreign-money claim.

"Spot rate" means the rate of exchange at which foreign money is sold by a bank or other dealer in foreign exchange for settlement by immediate payment, by charge to an account, or by an agreed delayed settlement not exceeding two days "Bank-offered spot rate" means the rate of exchange at which a bank will issue its draft in the foreign money or will cause credit to become available in the foreign money on a next-day basis

"State" means a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or the United States Virgin Islands.

§ **-2 Scope.** (a) This chapter applies only to a foreign-money claim in an action or distribution proceeding.

(b) This chapter applies to foreign-money issues notwithstanding the law applicable under the conflict of laws rules of this State to other issues in the action or distribution proceeding.

§ **-3 Variation by agreement.** (a) The effect of provisions of this chapter may be varied by agreement of the parties made at any time before or after commencement of an action, commencement of a distribution proceeding, or the entry of judgment.

(b) The parties may agree upon the money to be used in a transaction giving rise to a foreign-money claim and may use different moneys for different aspects of the transaction. Stating the price in a foreign money or for a particular transaction does not, of itself, require the use of that money for other aspects of the transaction.

§ **-4 Determining the money of the claim.** (a) Except as provided by subsection (b), the proper money of the claim is, as in each case may be appropriate, the money:

(1) Regularly used between the parties as a matter of usage or course of dealing; or

(2) Used at the time of a transaction in international trade, by trade usage or common practice, for valuing or settling transactions in the particular commodity or service involved; or

(3) In which the loss was ultimately felt or will be incurred by a party.

(b) The money in which the parties have contracted that a payment be made is the proper money of the claim for that payment.

§ **-5 Determining the amount of the money of certain contract claims.** (a) If an amount contracted to be paid in a foreign money is measured by a specified amount of a different money, the amount to be paid is determined on the conversion date.

(b) If an amount contracted to be paid in a foreign money is to be measured by a different money at the exchange rate prevailing on a date prior to default, that exchange rate applies only for payments made a reasonable time after default, not to exceed thirty days. Thereafter, conversion is made at the bank-offered spot rate on the conversion date.

(c) A monetary claim is neither usurious nor unconscionable because the agreement on which it is based provides that the amount of the debtor's obligation to be paid in the debtor's money must, when received by the creditor, equal a specified amount of the foreign money of the country of the creditor. If, because of unexcused delay in payment of a judgment or award, the amount received by the creditor does not equal the amount of the foreign money specified in the agreement, the court or arbitrator, as the case may be, shall have jurisdiction to and shall, amend the judgment or award accordingly.

§ **-6 Asserting and defending a foreign-money claim.** (a) A claimant may assert a claim in a specified foreign money. If a foreign money is not asserted, the claimant makes a claim for a judgment in United States dollars.

(b) An opposing party may allege and prove that the claim is, in whole or in part, for a different money than that asserted by the claimant

(c) Any party may assert a defense, set-off, recoupment, or counterclaim in any money without regard to the money of other claims

(d) The determination of the proper money of the claim is a question of law

§ -7 **Judgments and awards on foreign-money claims; times of money conversion; form of judgment.** (a) Except as provided in subsection (c), a judgment or arbitration award on a foreign-money claim must be stated in an amount of the money of the claim

(b) The judgment or award is payable in that foreign money or, at the option of the debtor, in the amount of United States dollars which will purchase that foreign money on the conversion date at a bank-offered spot rate

(c) Assessed costs must be entered in United States dollars

(d) Each payment in United States dollars must be accepted and credited on the judgment or award in the amount of the foreign money that could be purchased by the dollars at a bank-offered spot rate of exchange at or near the close of business on the conversion date for that payment

(e) Judgments or awards made in an action on both (1) a defense, set-off, recoupment, or counterclaim and (2) the adverse party's claim, must be netted by converting the money of the smaller into the money of the larger, and by subtracting the smaller from the larger, and must specify the rates of exchange used

(f) A judgment substantially in the following form complies with subsection (a)

"IT IS ORDERED AND ADJUDGED, that Defendant _____ (insert name) _____ pay to Plaintiff _____ (insert name) _____ the sum of (insert amount in the foreign money) plus interest on that sum at the rate of (insert rate -- see section -9) percent a year or, at the option of the judgment debtor, the number of United States dollars as will purchase the (insert name of foreign money) with interest due, at a bank-offered spot rate at or near the close of business on the banking day next before the day of payment, together with assessed costs of (insert amount) United States dollars."

(g) If a contract claim is of the type covered by section -5(a) or (b), the judgment or award shall be entered for the amount of the money stated to measure the obligation to be paid in the money specified for payment or, at the option of the debtor, the number of United States dollars as will purchase the computed amount of the money of payment on the conversion date at a bank-offered spot rate

(h) A judgment shall be recorded and indexed in foreign money in the same manner and shall have the same effect as a lien as other judgments. It may be discharged by payment

§ -8 **Conversions of foreign money in a distribution proceeding.** The rate of exchange prevailing at or near the closing of business on the day the proceeding is initiated shall govern all exchanges of foreign money in a distribution proceeding. A foreign-money claimant in a distribution proceeding must assert its claim in the named foreign money and show the amount of United States dollars resulting from a conversion as of the date the proceeding was initiated

§ -9 **Pre-judgment and judgment interest.** (a) With respect to a foreign-money claim, recovery of pre-judgment interest and the rate of interest to be applied in the action or distribution proceeding are matters of the substantive law governing the right to recovery under the conflict of laws rules of this State.

(b) Notwithstanding subsection (a), an increase or decrease in the amount of pre-judgment interest otherwise payable may be made in a foreign-money judgment to the extent required by the law of this State governing a failure to make or accept an offer of settlement or offer of judgment, or conduct by a party or its attorney causing undue delay or expense.

(c) A judgment on a foreign-money claim bears interest at the same rate applicable to other judgments of this State.

§ -10 **Enforcement of foreign judgments.** (a) Subject to subsections (b) and (c), if an action is brought to enforce a judgment of another jurisdiction expressed in a foreign money and the judgment is recognized in this State as enforceable, the enforcing judgment must be entered as provided in section -7 whether or not the foreign judgment confers an option to pay in an equivalent amount of United States dollars. A satisfaction or partial payment made upon the foreign judgment, on proof thereof, must be credited against the amount of foreign money specified in the judgment, notwithstanding the entry of judgment in this State.

(b) Notwithstanding subsection (a), a foreign judgment may be filed in accordance with any statute of this State providing a procedure for its recognition and enforcement.

(c) A judgment entered on a foreign-money claim only in United States dollars in another state must be enforced in this State in United States dollars only.

§ -11 **Temporarily determining the United States dollar value of foreign-money claims for limited purposes.** (a) For the limited purpose of facilitating the enforcement of provisional remedies in an action, (1) the value in United States dollars of assets to be seized or restrained pursuant to a writ of attachment, garnishment, execution, or other legal process, (2) the amount of United States dollars at issue for assessing costs, or (3) the amount of United States dollars involved for a surety bond or other court-required undertaking shall be ascertained as provided in subsections (b) and (c).

(b) The party seeking the process, costs, bond, or other undertaking must compute the dollar amount of the foreign money claimed from a bank-offered spot rate of exchange prevailing at or near the close of business on the banking day next preceding the filing of a request or application for the issuance of process or for the determination of costs, or an application for a bond or other court-required undertaking.

(c) The party seeking the process, costs, bond, or other undertaking shall file with each request or application an affidavit or certificate executed in good faith by its counsel or a bank officer, stating the market quotation used, how obtained, and setting forth the calculation. Affected court officials incur no liability, after a filing of the affidavit or certificate, for acting as if the judgment was in the amount of United States dollars stated in the affidavit or certificate.

(d) Computations under this section are for the limited purposes of the section and do not affect computation of the United States dollar equivalent of the money of the judgment for payment purposes.

§ -12 **Effect of currency revalorizations.** (a) If, after an obligation is expressed or a loss is incurred in a foreign money, the country issuing or

adopting that money substitutes a new money in place of that money, the obligation or the loss is treated as if expressed or incurred in the new money at the rate of conversion the issuing country establishes for the payment of like obligations or losses denominated in the former money

(b) If substitution under subsection (a) occurs after a judgment or award is entered on a foreign-money claim, the court or arbitrator, as the case may be, shall have jurisdiction to, and shall, amend the judgment or award by a like conversion of the former money

§ **-13 Supplementary general principles of law.** Unless displaced by particular provisions of this chapter, the principles of law and equity, including the law merchant, and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating causes supplement its provisions

§ **-14 Short title.** This chapter may be cited as the Uniform Foreign-Money Claims Act "

SECTION 2 Severability clause. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable

SECTION 3 This Act shall take effect on January 1, 1991 and shall apply to actions and distribution proceedings commenced after that date

(Approved May 2, 1990)

Note

1 So in original

ACT 51 H B NO 2793

A Bill for an Act Relating to Unemployment.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 383-66, Hawaii Revised Statutes, is amended to read as follows

"**§383-66 Contribution rates, how determined.** The department, for the nine-month period April 1, 1941, to December 31, 1941, and for each calendar year thereafter, except as otherwise provided in this part, shall classify employers in accordance with their actual experience in the payment of contributions and with respect to benefits charged against their accounts with a view to fixing [such] the contribution rates [as will] to reflect [such] this experience The department shall determine the contribution rate of each employer in accordance with the following requirements

(1) The standard rate of contributions payable by each employer for any calendar year through 1984 shall be three per cent For the calendar year 1985 and thereafter the standard rate of contributions payable by each employer shall be five and four-tenths per cent

(2) No employer's rate for the calendar year 1942 and for any calendar year thereafter shall be other than the maximum rate unless and until the employer's account has been chargeable with benefits throughout the thirty-six consecutive calendar month period ending on December 31 of the preceding calendar year, except that, for the calendar year 1956 and for each calendar year thereafter, an employer who has not been subject to the law for a sufficient period to meet this requirement may qualify for a rate other than the maximum rate if the employer's account has been chargeable throughout a lesser period but in no event less than the twelve consecutive calendar month period ending on December 31 of the preceding calendar year. For the calendar year 1985 and for each calendar year thereafter, the contribution rate for a new or newly covered employer shall be the sum of the employer's basic contribution rate of three and six-tenths per cent and the fund solvency contribution rate determined for [such] that year pursuant to section 383-68(c)(2), until the employer's account has been chargeable with benefits throughout the twelve consecutive calendar month period ending on December 31 of the preceding calendar year; except that no employer's contribution rate shall be greater than five and four-tenths per cent and no employer with a negative reserve ratio shall have a contribution rate less than [such] the employer's basic contribution rate.

(3) No employer's rate for the calendar year 1965 and for any calendar year thereafter, or remaining calendar quarter thereof, as the case may be, through December 31, 1976, shall be less than the standard rate unless the total assets of the fund as of the end of the previous calendar year, or calendar quarter, were at least $15,000,000; provided that each employer's rate for any calendar year or any portion thereof, as determined by other applicable provisions of this part, shall be increased by one-half per cent, if the total assets of the fund as of the end of the previous calendar year or calendar quarter were at least $15,000,000 but less than $20,000,000, but in no event shall an employer's rate exceed the standard rate. Any amount credited to this State under section 903 of the Social Security Act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund, shall be excluded from the fund for the purposes of this paragraph. Any advance that may be made to this State under section 1201 of the Social Security Act, whether or not withdrawn from this trust fund, shall be excluded from the fund for the purposes of this paragraph. No employer's rate shall be reduced in any amount which is not allowable as an additional credit, against the tax levied by the federal Unemployment Tax Act pursuant to section 3302(b) of the federal Internal Revenue Code or pursuant to any other federal statute, successor to section 3302(b), which provides for the additional credit now provided for in section 3302(b).

(4) If, when any [such] classification of employers is to be made (which may be after the commencement of the period for which the classification is to be made), the department finds that any employer has failed to file any report required in connection therewith or has filed a report which the department finds incorrect or insufficient, the department shall notify the employer thereof by mail addressed to the employer's last known address. Unless the employer files the

report or a corrected or sufficient report, as the case may be, within fifteen days after the mailing of the notice, the maximum rate of contributions shall be payable by [such] the employer for the period for which the contribution rate is to be fixed. Effective January 1, 1987, the director, for excusable failure, may redetermine the assignment of the maximum contribution rate in accordance with this section, provided the employer files all reports as required by the department and submits a written request for redetermination before December 31 of the year for which the contribution rate is to be fixed

(5) For the purpose of sections 383-63 to 383-69, if [on or after January 1, 1940,] after December 31, 1939, any employing unit in any manner succeeds to or acquires the organization, trade, or business, or substantially all the assets thereof (whether or not the successor or acquiring unit was an "employing unit", as that term is defined in section 383-1 prior to the acquisition), or after December 31, 1988 and prior to December 31, 1992 acquires a clearly identifiable and segregable portion of the organization, trade, or business of another which at the time of [such] the acquisition was an employer subject to this chapter, and [such] the successor continues or resumes the organization, trade, or business and continues to employ all or nearly all of the predecessor's employees, or the successor continues or resumes the clearly identifiable and segregable portion of the organization, trade, or business and continues to employ all or nearly all of the employees of the clearly identifiable and segregable portion, an application may be made for transfer of the predecessor's experience record If the predecessor employer has submitted all information and reports required by the department including amended quarterly wage reports identifying the employees transferred or retained and executed and filed with the department before December 31 of the calendar year following the calendar year in which the acquisition occurred on a form approved by the department a waiver relinquishing [all] the rights to [the predecessor employer's prior experience record] all or the clearly identifiable and segregable portion of the predecessor's prior experience record with respect to [the predecessor employer's] its separate account, actual contribution payment, and benefit chargeability experience, annual payrolls and other data for the purpose of obtaining a reduced rate, and requesting the department to permit [such] the experience record to inure to the benefit of the successor employing unit upon request of the successor employing unit, the experience record for rate computation purposes of the predecessor shall thereupon be deemed the experience record of the successor and the experience record shall be transferred by the department to the successor employing unit and shall become the separate account of the employing unit as of the date of the acquisition [and benefits thereafter] Benefits chargeable to the predecessor employer or successor employer in case of an acquisition of a clearly identifiable and segregable portion of the organization, trade, or business, after the date of acquisition on account of employment prior to the date of the acquisition shall be charged to [such] the separate account[ ] of the successor employing unit In case of an acquisition of a clearly identifiable and segregable portion of the organization, trade, or

business, the experience record that inures to the benefit of the successor employer shall be determined as follows:

(A) Wages, as used in section 383-61, attributable to the clearly identifiable and segregable portion shall be for the period beginning with the most recent three consecutive calendar years immediately preceding the determination of rates under section 383-63 to 383-69 and through the date of acquisition; and

(B) Reserve balance attributable to the clearly identifiable and segregable portion shall be the amount determined by dividing the wages, as used in section 383-61, of the clearly identifiable and segregable portion in the three calendar years (or that lesser period as the clearly identifiable and segregable portion may have been in operation) immediately preceding the computation date of the rating period prior to which the acquisition occurred by the total taxable payrolls of the predecessor for the three-year period (or that lesser period as the clearly identifiable and segregable portion may have been in operation) and multiplying the quotient by the reserve balance of the predecessor employer calculated as of the acquisition date.

[The] Provided the waiver or waivers required herein are filed with the department within sixty days after the date of acquisition, the successor employing unit, unless already an employer subject to this chapter, shall be subject from the date of acquisition to the rate of contribution of the predecessor or of two or more predecessors if they have the same contribution rate[, provided the waiver or waivers required herein are filed with the department before sixty days after the date of acquisition]. [In case] If there are two or more predecessors having different contribution rates, the successor shall be subject to the rate prescribed for new or newly covered employers under paragraph (2) until the next determination of rates under sections 383-63 to 383-69, at which time the experience records of the predecessors and successor shall be combined and shall be deemed to be the experience record of a single employing unit and the successor's rate shall thereupon be determined upon the basis of [such] the combined experience. If the successor at the time of the transfer is an employer subject to this chapter, the rate of contribution to which the successor is then subject shall remain the same until the next determination of rates under sections 383-63 to 383-69, at which time the experience records of the predecessor and successor shall be combined and shall be deemed to be the experience record of a single employing unit and the successor's rate shall thereupon be determined upon the basis of [such] the combined experience. For the purpose of determination of rates under sections 383-63 to 383-69 of all successor employing units, waivers as required herein, if not previously filed as hereinabove provided, shall be filed with the department not later than March 1 of the year for which the rate is determined; provided that no [such] waiver shall be accepted by the department for filing unless the employing unit executing the waiver has filed all reports and paid all contributions required [of it] by this chapter.

(6) The department may prescribe rules for the establishment, maintenance, and dissolution of joint accounts by two or more employers,

and, in accordance with [such] the rules and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, shall maintain [such] the joint account as if it constituted a single employer's account The rules shall be consistent with the federal requirements for additional credit allowance in section 3303 of the federal Internal Revenue Code and consistent with this chapter

(7) Whenever there is an amendment to this chapter which, if immediately effective, would change an employer's rate of contributions, the rate of the employer shall be changed in accordance with the amendment and the new rate shall apply for the remainder of the calendar year beginning with the calendar quarter immediately following the effective date of the amendment providing for [such] the change,[1] unless otherwise provided by the amendment.

(8) For the purposes of this section "contribution rate" shall mean the basic contribution rate as defined in section 383-68 when applied to calendar year 1978 or any calendar year thereafter.

(9) For the purposes of this section, the terms "employing unit," "employer," "predecessor," and "successor" shall include both the singular and the plural of each term Nothing in this section shall prevent two or more successor employing units, which each succeed to or acquire a clearly identifiable and segregable portion of a predecessor employing unit, from gaining the benefit of the clearly identifiable and segregable portion of the predecessor's experience record.

Provided that the terms of this section are complied with, nothing herein shall bar a predecessor employer from waiving the rights to all or the clearly identifiable and segregable portion of the predecessor's prior experience record in favor of a successor employer where the successor acquired a clearly identifiable and segregable portion of the predecessor's organization, trade, or business after December 31, 1988 and prior to December 31, 1992."

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved May 2 1990)

Note

1 So in original

ACT 52 H B NO 2879

A Bill for an Act Relating to the Administration of the Agricultural Park Program

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 166-4, Hawaii Revised Statutes, is amended to read as follows

"§166-4 Park development. Except as herein provided, the department may develop, on behalf of the State or in partnership with a federal agency, a county, or a private party, agricultural parks which, at the option of the board, shall be exempt from all statutes, ordinances, charter provisions, and rules of any governmental agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of buildings thereon, provided that.

(1) The board finds the agricultural park is consistent with the purpose and intent of this chapter, and meets minimum requirements of health and safety;
(2) The development of the proposed agricultural park does not contravene any safety standards or tariffs approved by the public utilities commission for public utilities;
(3) The legislative body of the county in which the agricultural park is to be situated shall have approved the agricultural park.
    (A) The legislative body shall approve or disapprove the agricultural park within forty-five days after the department has submitted the preliminary plans and specifications for the agricultural park to the legislative body. If after the forty-fifth day an agricultural park is not disapproved, it shall be deemed approved by the legislative body.
    (B) No action shall be prosecuted or maintained against any county, its officials, or employees, on account of actions taken by them in reviewing, approving, or disapproving the plans and specifications.
    (C) The final plans and specifications for the agricultural park shall be deemed approved by the legislative body if the final plans and specifications do not substantially deviate from the preliminary plans and specifications. The final plans and specifications for the project shall constitute the planning, zoning, building, construction, and subdivision standards for that agricultural park. For purposes of sections 501-85 and 502-17, the chairperson of the board of agriculture or the responsible county official may certify maps and plans of lands connected with the agricultural park as having complied with applicable laws and ordinances relating to consolidation and subdivision of lands, and such maps and plans shall be accepted for registration or recordation by the land court and registrar; and
(4) The State shall assume the responsibility of maintaining all roads within the agricultural park[, using the proceeds of the agricultural park special fund established under section 166-10,] if the roads are developed exempt from applicable county ordinances, charter provisions, and rules regarding roads."

SECTION 2. Section 166-5, Hawaii Revised Statutes, is amended to read as follows:

"**§166-5 Joint ventures.** Any agricultural park developed by the State in partnership with a federal agency, a county, or a private party shall be subject to a partnership agreement [executed by the chairperson of] approved by the board of agriculture, which agreement shall provide, at a minimum:
(1) A determination by the board that it is in the public interest to enter into the partnership agreement;
(2) Long-term assurance that the land will be utilized for agricultural or aquacultural purposes;
(3) State approval of the agricultural park development plans and specifications;
(4) State [review of] selection and management of lessees;
(5) Conditions to ensure a public benefit from any state funds expended for the project."

SECTION 3 Section 166-6, Hawaii Revised Statutes, is amended to read as follows

"**§166-6 Disposition.** Any provision of this chapter to the contrary notwithstanding, the board may directly dispose of public lands and related facilities set aside and designated for use as agricultural parks, by negotiation, drawing of lot, or public auction[, provided that a reasonable portion of such disposition may be to farmers who qualify under the new farmer program pursuant to section 155-1(3) All such] The dispositions [shall] may be by lease [only] and shall be subject to the requirements set forth in rules adopted by the board in [conformance to] conformity with section 166-9, and subject also to the following limitations

(1) The property shall be disposed of for agricultural or aquacultural purposes only,

(2) The lessee shall derive the major portion of the lessee's total annual income from the lessee's activities on the premises, provided that this restriction shall not apply if failure to meet the restriction results from mental or physical disability or the loss of a spouse, or if the premises are fully utilized in the production of crops or products for which the disposition was granted,

(3) The lessee shall comply with all federal and state laws regarding environmental quality control,

(4) The board shall determine the specific uses for which the disposition is intended; parcel the land into minimum size economic units sufficient for the intended uses, make, or require the lessee to make, such improvements as are required to achieve the intended uses; set the upset price or lease rent based upon fair market value for the intended use of a lot; set the term of the lease, which shall be not less than fifteen years nor more than fifty-five years, including any extension granted for mortgage lending or guarantee purposes; and establish such other terms and conditions as it may deem necessary, including but not limited to restrictions against alienation and provisions for withdrawal by the board,

(5) No lease shall be made to any person who is in arrears in the payment of taxes, rents, or other obligations owing the State or any of its political subdivisions, and

(6) Any transferee, assignee, or sublessee of an agricultural park lease shall first qualify as an applicant under this chapter For the purpose of this paragraph, any transfer, assignment, sale, or other disposition of any interest, excluding a security interest, of any legal entity which holds an agricultural park lease shall be treated as a transfer of the agricultural park lease and shall be subject to the approval of the board of agriculture upon such reasonable terms and conditions, not inconsistent with this chapter or rules of the board, which the board may deem necessary No such transfer shall be approved by the board if the disposition of the stock, or assets or other interest of the legal entity would result in the failure of the entity to qualify for an agricultural park lease

The violation of any provision contained in this section shall be sufficient cause for the board, after due notice of breach or default as provided in rules adopted by the board in conformance with section 166-9, to cancel the lease and take possession of the land

Further, the board of agriculture may issue easements, permits, and rights of entry covering agricultural park lands for use consistent with the

purposes for which the lands were set aside on the same terms, conditions, and restrictions applicable to the disposition of public lands as provided in chapter 171."

SECTION 4. Section 166-7, Hawaii Revised Statutes, is amended to read as follows:

"**§166-7 Applicants.** A person, including a partnership, corporation, or association or an agricultural cooperative organized under chapter 421 at least seventy-five per cent of the partners, stockholders, or members of which qualify individually, [shall be eligible to] may apply for an agricultural park lease if [that] the person [meets the qualifications for bona fide farmer as set forth in section 171-68(a) and (c), or for a new farmer who meets the qualifications of the new farmer program as set forth in section 155-1(3), or for a qualified aquaculturalist as set forth in section 219-2, and as further provided], partners, stockholders, or members are eligible and qualified according to criteria set forth in rules adopted by the board in conformance with section 166-9."

SECTION 5. Section 166-8, Hawaii Revised Statutes, is amended to read as follows:

"**§166-8 Preference right.** Any person who is otherwise qualified to take an agricultural park lot, who is a veteran with an honorable discharge, or who qualifies as a displaced farmer, or who operates a farm located in a zoning district where such use is a nonconforming use, or who qualifies [under the] as a new farmer [program pursuant to section 155-1(3)], shall be given preference in obtaining an agricultural park lot."

SECTION 6. Section 166-9, Hawaii Revised Statutes, is amended to read as follows:

"**§166-9 Rules.** The board shall adopt rules in accordance with chapter 91 in order to effectuate the purposes of this chapter. Such rules shall provide, without limitation, for definitions; planning generally and for intensive agricultural uses; general eligibility requirements; qualifications of applicants; preference rights; disposition of leases; lease provisions; lease restrictions generally and for intensive agricultural uses; and notice of breach or default. Rules adopted by the board for the purposes of this chapter shall be consistent with sections [155-1, 155-10,] 171-11[,] and 171-20[, 171-33, 171-34, 171-35, 171-36, 171-37, 171-65, 171-66, 171-67, 171-68, and 171-69]."

SECTION 7. Section 166-10, Hawaii Revised Statutes, is amended to read as follows:

"**[[]§166-10[]] Agricultural park special fund.** (a) There is created in the state treasury a special fund to be designated as the agricultural park special fund. The proceeds in the fund shall be used for the following purposes:

(1) Payment of agricultural park lease rents of privately owned lands under lease to the State pursuant to sections 171-112 and 166-3;
(2) Establishing, operating, maintaining, and improving infrastructure improvements in agricultural parks designated by the department pursuant to section 166-3; and
(3) Any other purposes deemed necessary by the department for the purpose of maintaining and operating those agricultural parks and

related facilities designated by the department pursuant to section 166-3.

For the purpose of paragraph (2), infrastructure improvements may include, but shall not be limited to irrigation water system projects, wind power or hydro power and pumping systems, waste disposal systems, domestic water systems, roads, street lights, land and roads drainage, and bridges.

(b) Moneys appropriated for the purpose of the fund; any other provision of the law to the contrary notwithstanding, all moneys received or collected from an agricultural park project designated pursuant to section 166-3, including residential and agricultural lot lease rents, and all money collected or received by the department for the use and maintenance of [a] domestic and irrigation water [system] systems within an agricultural park and other [system] systems enumerated in subsection (a) shall be deposited into the agricultural park special fund. All interest earned or accrued on moneys deposited in the fund shall become a part of the fund. Moneys in the fund shall be expended upon warrants drawn by the comptroller."

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 9. This Act shall take effect upon its approval.

(Approved May 2, 1990.)

ACT 53 H.B. NO. 2174

A Bill for an Act Relating to the Hawaii Statewide Trail and Access System.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1. Chapter 198D, Hawaii Revised Statutes, is amended as follows:

1. By amending section 198D-3 to read as follows:

"**[|||§198D-3|||] Inventory.** (a) The department shall establish, maintain, and amend, as required, an inventory of all trails and accesses in the State, whether wholly or partly on public or private lands and whether or not under the jurisdiction of the department[ ], and a separate inventory of all trails and accesses to public hunting areas in the State. The [inventory] inventories shall include:

(1) Maps and lists of all trails and accesses;
(2) Name and length of each trail or access;
(3) The person or agency having management responsibility for each trail or access;
(4) The predominant transportation mode for each trail or access;
(5) The development standard, condition, and grade of each trail and access;
(6) The description of amenities or other features on or in close proximity to each trail or access;
(7) The status of availability to the general public of each trail or access; and

(8) Other information for each trail or access deemed necessary or desirable by the department.

(b) The department shall publish and [update] periodically update [the inventory in a document,] documents, which shall be available to the general public. The documents shall contain that portion of the inventories which include trails and accesses available for the use of the general public. The department may charge an appropriate fee for the [document] documents and any updates."

2. By amending section 198D-4 to read as follows:

"**[|§198D-4|] Classification.** The department shall classify each trail and access in the [inventory] inventories according to the following:

(1) Function;
(2) Type:
(3) Theme;
(4) Actual and desired use intensity; and
(5) Any other classification deemed necessary or desirable by the department."

3. By amending section 198D-5 to read as follows:

"**[|§198D-5|] Identification of proposed, potential, and needed trails and accesses.** (a) In addition to the [inventory] inventories under section 198D-3, the department shall identify and maintain a listing of:

(1) Proposed trails and accesses which may be opened to the public;
(2) Potential expansions of trails and accesses;
(3) Potential or desirable connectors between existing trail systems; [and]
(4) Public beach, shore, park, trail, and other recreational areas to which access is unavailable or inadequate[.]; and
(5) Trails and accesses to public hunting areas.

(b) The listing may be published in the [inventory] inventories required under section 198D-3."

4. By amending section 198D-6 to read as follows:

"**[|§198D-6|] Regulation of use of trails and accesses.** The department, by rule adopted in accordance with chapter 91, may regulate the use of trails and accesses under the department's jurisdiction. Regulation of the use of trails and accesses shall be established for the following purposes:

(1) To preserve the integrity, condition, naturalness, or beauty of the trails or accesses; [or]
(2) To protect the public safety[.]; or
(3) To restrict or regulate public access to protected or endangered wildlife habitats, except for scientific or educational purposes."

5. By amending section 198D-9 to read as follows:

"**[|§198D-9|] Other powers and duties of department.** The department:

(1) May establish signing and design standards for classifications of trails and accesses;
(2) Shall establish advisory councils to solicit advice and assistance in implementation of the statewide trail and access system. Appointment of members to advisory councils shall be made by the department. If established, members of the advisory councils shall serve part-time and shall not be compensated for official duties

performed Advisory councils may be established on regional, islandwide, countywide, or statewide bases,

(3) Shall serve as the centralized information agency for matters relating to the statewide trail and access system,

(4) Shall coordinate its activities under this chapter, including its compilation of the [inventory] inventories and classifications of trails and accesses, with other public agencies,

(5) Shall advise and, when able, assist other public agencies in the development, construction, operation, maintenance, and regulation of trails and accesses under their jurisdiction,

(6) Shall advocate before the legislature, governor, and public agencies the implementation of the statewide trail and access system, and

(7) Shall submit an annual report to the governor and legislature on activities engaged in under this chapter."

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved May 3 1990)

ACT 54 H.B. NO. 2362

A Bill for an Act Relating to Condominiums

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that although originally the real estate commission had investigatory and enforcement powers over condominium apartment owners' rights to examine information about their projects, an amendment to the condominium property regime law which created a more comprehensive section on those rights inadvertently neglected to give the commission investigatory and enforcement powers over those rights

The legislature further finds that standard fidelity bonds usually protect only the person who obtains the bond against misappropriation by that person's employees. However, the fidelity bonds required to be obtained by managing agents are intended to protect condominium associations, not the managing agents, against misappropriation of association funds

The purpose of this Act is to restore the real estate commission's power to investigate any denial of condominium owners' rights to obtain information about their projects and to enforce those rights In addition, this Act is intended to amend the law relating to condominium managing agents by requiring managing agents to obtain "standard" fidelity bonds and to pay any proceeds received from the bonds to associations which have suffered losses; authorizing the acceptance of fidelity bonds with deductibles, requiring the collection of an application fee to defray the administrative costs of processing new applications; and recognizing associations' right to recover from the real estate recovery fund.

SECTION 2. Section 514A-46, Hawaii Revised Statutes, is amended to read as follows

"**§514A-46 Investigatory powers.** If the commission has reason to believe that a developer, an association of apartment owners, or a managing agent is violating any provision set forth in section 514A-2, 514A-31 to 514A-39, 514A-41, 514A-42, 514A-44 to 514A-49, 514A-62, 514A-63, 514A-65, 514A-68, 514A-69, 514A-83.5, 514A-84, 514A-85, 514A-95, 514A-95.1, 514A-97, or 514A-98, or the rules of the commission adopted pursuant thereto, the commission may investigate the developer's project, the association of apartment owners, or the managing agent and examine the books, accounts, records, and files of the association, the managing agent, or those used in the project of the developer. For the purposes of examination, the developer shall keep and maintain records of all sales transactions and of the funds received by the developer pursuant thereto, and to make such records accessible to the commission upon reasonable notice and demand."

SECTION 3. Section 514A-47, Hawaii Revised Statutes, is amended to read as follows:

"**§514A-47 Cease and desist orders.** In addition to its authority under section 514A-48, whenever the commission has reason to believe that any person is violating or has violated section 514A-2, 514A-31 to 514A-39, 514A-41, 514A-42, 514A-44 to 514A-49, 514A-62 to 514A-65, 514A-68, 514A-69, 514A-83.5, 514A-84, 514A-85, 514A-95, 514A-95.1, 514A-97, 514A-98, or 514A-134, or the rules of the commission adopted pursuant thereto, it shall issue and serve upon the person a complaint stating its charges in that respect containing a notice of a hearing upon a day and at a place therein fixed at least thirty days after the service of the complaint. The person so complained of has the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission requiring the person to cease and desist from the violation of the law charged in the complaint. If upon the hearing the commission is of the opinion that this chapter has been or is being violated, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on the person an order requiring the person to cease and desist from the violations. The person complained of, within thirty days after service upon the person of the report or order, may obtain a review thereof in the appropriate circuit court."

SECTION 4. Section 514A-48, Hawaii Revised Statutes, is amended to read as follows:

"**§514A-48 Power to enjoin.** Whenever the commission believes from satisfactory evidence that any person has violated any of sections 514A-2, 514A-31 to 514A-39, 514A-41, 514A-42, 514A-44 to 514A-49, 514A-62, 514A-63, 514A-65, 514A-68, 514A-69, 514A-83.5, 514A-84, 514A-85, 514A-95, 514A-95.1, 514A-97, 514A-98, or 514A-134, or the rules of the commission adopted pursuant thereto, it may conduct an investigation on the matter and bring an action in the name of the people of the State in any court of competent jurisdiction against the person to enjoin the person from continuing the violation or engaging therein or doing any act or acts in furtherance thereof."

SECTION 5. Section 514A-49, Hawaii Revised Statutes, is amended to read as follows:

"**§514A-49 Penalties.** (a) Any person who in any respect violates or fails to comply with any of the provisions set forth in section 514A-2, 514A-31 to

514A-39, 514A-41, 514A-42, 514A-44 to 514A-49, 514A-62, 514A-63, 514A-65, 514A-68, 514A-69, 514A-83.5, 514A-84, 514A-85, 514A-95, 514A-95.1, 514A-97, 514A-98, 514A-102 to 514A-106, or 514A-134,[1] is guilty of a misdemeanor and shall be punished by a fine not exceeding $2,000 or by imprisonment for a term not exceeding one year, or both. Any person who in any other respect violates or fails, omits, or neglects to obey, observe, or comply with any rule, order, decision, demand, or requirement of the commission under section 514A-2, 514A-31 to 514A-39, 514A-41, 514A-42, 514A-44 to 514A-49, 514A-62, 514A-63, 514A-65, 514A-68, 514A-69, 514A-83.5, 514A-84, 514A-85, 514A-95, 514A-95.1, 514A-97, 514A-98, 514A-102 to 514A-106, or 514A-134 shall be punished by a fine not exceeding $2,000.

(b) Any person who violates any provision of this chapter or the rules of the commission adopted pursuant thereto also shall be subject to a civil penalty not exceeding $2,500 for any violation. Each violation shall constitute a separate offense and the collection of the fine shall be by suit brought by the attorney general on behalf of the commission."

SECTION 6. Section 514A-95, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Every managing agent shall:

(1) Be licensed as a real estate broker in compliance with chapter 467 and the rules of the commission or be a corporation authorized to do business under chapter 406;

(2) Register annually with the commission. The information required to be submitted upon registration shall include but not be limited to proof of fidelity bond coverage, name, business address, and phone number;

(3) Provide evidence annually and at time of initial registration of a fidelity bond in an amount equal to $500 multiplied by the aggregate number of units covered by all of the managing agent's contracts, provided that the amount of the bond shall not be less than $20,000 nor greater than $100,000. The bond shall protect the [association of apartment owners against fraudulent or dishonest acts by persons handling the association's funds. Any association aggrieved by the actions of a managing agent on the grounds of fraud, misrepresentation, or deceit shall recover by order of the circuit or district court of the county where the violation occurred from the bond required by this section, and if the managing agent is a licensed real estate broker, secondly from the real estate recovery fund established under section 467-16.] managing agent against the loss of any association money, securities, or other property caused by the fraudulent or dishonest acts of employees of the managing agent. A managing agent who is unable to obtain a fidelity bond may seek an exemption from the fidelity bond requirement from the commission. The commission shall adopt rules establishing the conditions and terms by which it may grant an exemption or bond alternative[, and], or permit deductibles;

(4) Act promptly and diligently to recover from the bond, if the fraud or dishonesty of the managing agent's employees causes a loss to an association, and apply the bond proceeds, if any, to reduce the association's loss. If more than one association suffers a loss, the managing agent shall divide the proceeds among the associations in proportion to each association's loss. An association may request a

court order requiring the managing agent to act promptly and diligently to recover from the bond. If an association cannot recover its loss from the bond proceeds of the managing agent, the association may recover by court order from the real estate recovery fund established under section 467-16, provided that:

(A) The loss is caused by the fraud, misrepresentation, or deceit of the managing agent or its employees;

(B) The managing agent is a licensed real estate broker; and

(C) The association fulfills the requirements of sections 467-16 and 467-18 and any applicable rules of the commission; and

[(4)] (5) Pay an application fee and, upon approval, an initial registration fee [of $25] for the first year, and subsequently pay an annual reregistration fee as prescribed by rules adopted by the director of commerce and consumer affairs pursuant to chapter 91. A compliance resolution fee shall also be paid pursuant to section 26-9(n) and the rules adopted pursuant thereto."

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved May 3, 1990.)

Note

1. So in original.

ACT 55 H.B. NO. 2585

A Bill for an Act Relating to Donations of Food.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 145D-1, Hawaii Revised Statutes, is amended to read as follows:

1. By amending the definition of "charitable, religious, or nonprofit organization" to read as follows:

" "Charitable, religious, or nonprofit organization" means any organization which was organized and is operating in the State for charitable or religious purposes or to promote social welfare, [as defined in section 235-9(a)(2)] which is exempt from income taxation under chapter 235, and which distributes food products at no cost to needy persons."

2. By amending the definition of "food product" to read as follows:

" "Food product" means any fowl, seafood, animal, vegetable, or other stuff, product, or article which is customary food fit for human consumption[.], including prepared, canned, milk, dairy, and farm products, before or after the expiration date stamped on the products, if any."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3 This Act shall take effect upon its approval

(Approved May 3, 1990)

ACT 56 H B NO 1492

A Bill for an Act Relating to Hawaiian Genealogy.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1. The legislature finds that an interagency task force needs to address the issue of Hawaiian genealogy The department of health shall convene such a task force consisting of representatives from the departments of health and Hawaiian home lands, the State archives, and the office of Hawaiian affairs to develop a plan for a Hawaiian genealogy project

This project will be designed to allow Hawaiians and native Hawaiians greater and easier opportunity by which to establish their ancestry The task force shall solicit input from interested individuals and organizations in arriving at their recommendations The plan should include, but not be limited to, a recommendation as to where this function should be placed and shall take into account issues of confidentiality The department of health shall submit this plan, legislation as necessary, and proposed funding to the legislature no later than twenty days prior to the convening of the regular session of 1991

SECTION 2 This Act shall take effect upon its approval

(Approved May 7 1990)

ACT 57 H B NO. 2169

A Bill for an Act Relating to the Residential Landlord-Tenant Code

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that recent investments in the visitor industry in Waikiki have caused rapid conversion of rental housing into other uses This recent trend has displaced many long time residents of Waikiki, often on limited incomes, and required them to find new homes on very short notice The purpose of this Act is to require landlords to provide at least one hundred twenty days notice if a month-to-month tenancy is terminated in a building which is converted to transient vacation rentals

SECTION 2 Section 521-71, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows

"(a) When the tenancy is month-to-month, the landlord or the tenant may terminate the rental agreement upon the landlord's or the tenant's notifying the other, in writing, at least twenty-eight days in advance of the anticipated termination When the landlord provides notification of termination, the tenant may vacate at any time within the last twenty-eight days of the period between the notification and the termination date, but the tenant shall notify the landlord of the date the tenant will vacate the dwelling unit and shall pay a prorated rent

for that period of occupation. When the tenant provides notice of termination, the tenant shall be responsible for the payment of rent through the twenty-eighth day. Before a landlord terminates a month-to-month tenancy where the landlord contemplates voluntary demolition of the dwelling units, [or] conversion to a condominium property regime under chapter 514A, or changing the use of the building to transient vacation rentals, the landlord shall provide notice to the tenant at least one hundred twenty days in advance of the anticipated demolition or anticipated termination, and shall comply with the provisions relating to conversions provided in section 514A-105[.], if applicable. If notice is revoked or amended and reissued, the [one hundred twenty-day] notice period shall begin from the date it was reissued or amended. Any notice provided, revoked, or amended and reissued shall be in writing."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 7, 1990.)

ACT 58 H.B. NO. 2231

A Bill for an Act Relating to Costs and Fees.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 607-4, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Sheriff's or police officer's fees:

(1) For serving any criminal summons, warrant, attachment, or other criminal process, [$15] $20 effective July 1, [1980.] 1990.

(2) For serving any civil summons, warrant, attachment, or other civil process, [$10] $15 effective July 1, [1984.] 1990.

(3) For every copy of an attachment and inventory of the property attached, served upon the defendant, $1.50.

(4) For serving any execution, 12 cents for every $1 collected up to $50, and 7 cents for every $1 over $50.

(5) For serving subpoena or garnishee summons, [$7] $10.

(6) For every mile of travel, more than one, in serving any process, [20] 35 cents; provided that (A) no [such] allowance shall be made where [such] the serving officer uses a conveyance furnished the serving officer by the State, or any political or municipal subdivision thereof; (B) where the serving officer serves more than one person in the course of one trip, the serving officer shall not charge, in the aggregate for all [such] services, more than the mileage for the entire trip; and (C) as far as practicable, in order to minimize the mileage fees for [such] the service, the sheriff or other chief of the serving officers, where service of process is to be made upon an island other than that upon which is situated the court issuing [such] the process, shall cause [such] the process to be transmitted toa deputy, the chief of police or other serving officer upon the island of service, who shall make [such] the service upon receipt of [such] the process; and [such]

the service shall be valid, notwithstanding that the process may not be addressed to the officer actually making [such] the service or to the officer's superior '

SECTION 2 Section 607-8, Hawaii Revised Statutes, is amended to read as follows

"§607-8 Sheriff's or serving or levying officer's fees in circuit court, intermediate appellate court, or supreme court. (a) For all necessary travel in making [such] the service per mile for every mile more than one [20] 35 cents provided that

(1) No [such] allowance shall be made where [such] the serving officer uses a conveyance furnished the serving officer by the State, or any political or municipal subdivision thereof,

(2) Where the serving officer serves more than one person in the course of one trip, the serving officer shall not charge, in the aggregate for all [such] services more than the mileage for the entire trip, and

(3) As far as practicable, in order to minimize the mileage fees for [such] the service, the sheriff or other chief of the serving officers, where service of process is to be made upon an island other than that upon which is situated the court issuing [such] the process, shall cause [such] the process to be transmitted to a deputy, the chief of police, or other serving officer upon the island of service who shall make [such] the service upon receipt of [such] the process, and [such] the service shall be valid, notwithstanding that the process may not be addressed to the officer actually making [such] the service or to the officer's superior

For serving criminal summons or any other criminal process except a subpoena, for each person served therewith [$15] $20 effective July 1, [1980] 1990

For serving civil summons or any other civil process, except a subpoena or a garnishee summons, for each person served therewith [$10] $15 effective July 1, [1984] 1990

For serving subpoena or garnishee summons, for each person [$7] $10

For returning as unserved after due and diligent search any process when it has been found that the person to be served has left the State $2

For serving any execution or other process for the collection of money, for every dollar collected up to $500 5 cents

And for every dollar over $500 2-1/2 cents

All fees paid to any printer for publishing an advertisement of the sale of any property,

For every bill of sale $1

For executing and acknowledging a deed pursuant to a sale of real estate to be paid by the grantee in [such] the deed $5

For drawing any bond required by law $1

For serving writ of possession or restitution, putting any person entitled into the possession of premises and removing a tenant pursuant to order of court $1

Together with all necessary expenses incurred by the officer serving the writ, incident to the eviction

For selling any property on an order from the court other than an execution, the same allowance as for service and sales by execution

The fees for service of executions, attachments, and collection of judgments, together with all costs incurred after judgment rendered, not included in the judgment, [shall,] in all courts of the State, shall be collected in addition to the sum directed to be levied and collected in the writ.

(b) Anything in this section or any other law to the contrary notwithstanding, when any process or subpoena is served by a subordinate of the sheriff or chief of police, it shall be illegal for the sheriff or chief of police (1) if and so long as the sheriff or chief of police is being paid a salary by the State or the county to receive or collect from [such] the subordinate any portion of the fees, mileage, or other expenses collected by [such] the subordinate, or (2) if and so long as [such] the sheriff or chief of police is not being paid any [such] salary, to collect or receive from [such] the subordinate more than ten per cent of the fees accruing from [such] the service, or any portion of the mileage or other expenses collected by [such] the subordinate. Where a subpoena is served in behalf of the State or any county by a nonsalaried subordinate of the sheriff or chief of police, the regular fee for [such] the service shall be payable to [such] the subordinate. Nothing [herein contained] in this section shall be deemed to prohibit the police commission of any county from requiring all [such] fees, mileage, and expenses be paid into a police benefit fund."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 7, 1990.)

ACT 59 H.B. NO. 2312

A Bill for an Act Relating to Bonds.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that although there is clear authority for credit unions to invest in the general obligations of both the State and the counties, it is unclear as to whether or not they are allowed to invest in the revenue and special purpose revenue bond issues of these jurisdictions. Credit unions are omitted from state and county bond law, setting forth the details of bond issues, and in particular, from the provisions which indicate for whom the bond issues are legal and authorized investments. This Act amends the various state and county bond laws to provide that both revenue and special purpose revenue bonds issued by the State and the counties are legal and authorized investments of credit unions.

SECTION 2. Section 39-67, Hawaii Revised Statutes, is amended to read as follows:

"**§39-67 Revenue bonds legal investments.** All public officers and bodies of the State, all political subdivisions, all insurance companies and associations, all banks, savings banks, and savings institutions, including building or savings and loan associations, all credit unions, all trust companies, all personal representatives, guardians, trustees, and all other persons and fiduciaries in the State who are regulated by law as to the character of their investment, may legally invest

funds within their control and available for investment in revenue bonds of the State The purpose of this section is to authorize any person, firm, corporation, association, political subdivision, body, or officer, public or private, to use any funds owned or controlled by them, including (without prejudice to the generality of the foregoing), sinking, insurance, investment, retirement, compensation, pension, trust funds, and funds held on deposit, for the purchase of any revenue bonds of the State "

SECTION 3 Section 39A-48, Hawaii Revised Statutes, is amended to read as follows

"**§39A-48 Special purpose revenue bonds as legal investments and lawful security.** The special purpose revenue bonds issued pursuant to this part shall be and are declared to be legal and authorized investments for banks, savings banks, trust companies, savings and loan associations, insurance companies, credit unions, fiduciaries, trustees, guardians, and for all public funds of the State or other political corporations or subdivisions of the State Such special purpose revenue bonds shall be eligible to secure the deposit of any and all public funds of the State and any and all public funds of counties or other political corporations or subdivisions of the State, and such bonds shall be lawful and sufficient security for such deposits to the extent of their value when accompanied by all unmatured coupons appertaining thereto "

SECTION 4 Section 39A-88, Hawaii Revised Statutes, is amended to read as follows

"**§39A-88 Special purpose revenue bonds as legal investments and lawful security.** The special purpose revenue bonds issued pursuant to this part shall be legal and authorized investments for banks, savings banks, trust companies, savings and loan associations, insurance companies, credit unions, fiduciaries, trustees, guardians, and for all public funds of the State or other political corporations or subdivisions of the State Such special purpose revenue bonds shall be eligible to secure the deposit of any and all public funds of the State and any and all public funds of counties or other political corporations or subdivisions of the State, and such bonds shall be lawful and sufficient security for such deposits to the extent of their value when accompanied by all unmatured coupons appertaining thereto "

SECTION 5 Section 39A-128, Hawaii Revised Statutes, is amended to read as follows

"**§39A-128 Special purpose revenue bonds as legal investments and lawful security.** The special purpose revenue bonds issued pursuant to this part shall be legal and authorized investments for banks, savings banks, trust companies, savings and loan associations, insurance companies, credit unions, fiduciaries, trustees, guardians, and for all public funds of the State or other political corporations or subdivisions of the State Such special purpose revenue bonds shall be eligible to secure the deposit of any and all public funds of the State and any and all public funds of counties or other political corporations or subdivisions of the State, and such bonds shall be lawful and sufficient security for such deposits to the extent of their value when accompanied by all unmatured coupons appertaining thereto "

SECTION 6. Section 39A-168, Hawaii Revised Statutes, is amended to read as follows:

"**§39A-168 Special purpose revenue bonds as legal investments and lawful security.** The special purpose revenue bonds issued pursuant to this part shall be legal and authorized investments for banks, savings banks, trust companies, savings and loan associations, insurance companies, credit unions, fiduciaries, trustees, guardians, and for all public funds of the State or other political corporations or subdivisions of the State. Such special purpose revenue bonds shall be eligible to secure the deposit of any and all public funds of the State and any and all public funds of counties or other political corporations or subdivisions of the State, and such bonds shall be lawful and sufficient security for such deposits to the extent of their value when accompanied by all unmatured coupons appertaining thereto."

SECTION 7. Section 39A-209, Hawaii Revised Statutes, is amended to read as follows:

"**§39A-209 Special purpose revenue bonds as legal investments and lawful security.** The special purpose revenue bonds issued pursuant to this part shall be and are declared to be legal and authorized investments for banks, savings banks, trust companies, savings and loan associations, insurance companies, credit unions, fiduciaries, trustees, guardians, and for all public funds of the State or other political corporations or subdivisions of the State. Such special purpose revenue bonds shall be eligible to secure the deposit of any and all public funds of the State and any and all public funds of counties or other political corporations or subdivisions of the State, and such bonds shall be lawful and sufficient security for such deposits to the extent of their value when accompanied by all unmatured coupons appertaining thereto."

SECTION 8. Section 48E-18, Hawaii Revised Statutes, is amended to read as follows:

"**§48E-18 Special purpose revenue bonds as legal investments and lawful security.** The special purpose revenue bonds issued pursuant to this chapter shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, credit unions, fiduciaries, trustees, guardians, and for all public funds of the State or other political corporations or subdivisions of the State. Such special purpose revenue bonds shall be eligible to secure the deposit of any and all public funds of the State and any and all public funds of counties or other political corporations or subdivisions of the State, and such bonds shall be lawful and sufficient security for such deposits to the extent of their value when accompanied by all unmatured coupons appertaining thereto."

SECTION 9. Section 49-16, Hawaii Revised Statutes, is amended to read as follows:

"**§49-16 Revenue bonds legal investments.** All public officers and bodies of the State, all political subdivisions, all insurance companies and associations, all banks, savings banks, and savings institutions, including building or savings and loan associations, all credit unions, all trust companies, all personal representatives, guardians, trustees, and all other persons and fiduciaries in the State who are regulated by law as to the character of their investment, may legally invest

funds within their control and available for investment in revenue bonds of the county The purpose of this section is to authorize any persons, firms, corporations, associations, political subdivisions, bodies, and officers, public or private, to use any funds owned or controlled by them, including (without prejudice to the generality of the foregoing), sinking, insurance, investment, retirement, compensation, pension, and trust funds, and funds held on deposit, for the purchase of any revenue bonds of the county "

SECTION 10 Section 201E-56, Hawaii Revised Statutes, is amended to read as follows

"[|§201E-56|] **Bonds as legal investments.** The State and all of its public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, including savings and loan associations, all investment companies, insurance companies, insurance associations, and other persons carrying on an insurance business in the State, all credit unions, and all personal representatives, guardians, trustees, and other fiduciaries in the State may legally invest any moneys or funds belonging to them or within their control and available for investment under other provisions of law, in any bonds or other obligations issued by the housing finance and development corporation, or in any bonds or other obligations issued by any public housing authority or agency in the United States when the bonds or other obligations of the public housing authority or agency are secured by a pledge of annual contributions or other financial assistance to be paid by the federal government or any agency thereof, and the bonds and other obligations of the corporation and the bonds and other obligations of any such public housing authority or agency shall be authorized security for all public deposits and shall be fully negotiable in the State It is the purpose of this section to authorize any of the foregoing to use any funds owned or controlled by them, including (but not limited to) sinking, insurance, investment, retirement, compensation, pension, and trust funds and funds held on deposit, for the purchase of any such bonds or other obligations, provided that nothing contained in this section shall operate to relieve any person, firm, or corporation from liability for failure to exercise reasonable care in selecting investments or, in the case of a guardian or trustee, from liability for failure to exercise the judgment and care to observe the duties required of a guardian or trustee by sections 406-22 and 554-6 "

SECTION 11 Section 356-33, Hawaii Revised Statutes, is amended to read as follows

"**§356-33 Housing bonds as legal investments.** The State and all of its public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, including savings and loan associations, all investment companies, insurance companies, insurance associations, and other persons carrying on an insurance business in the State, all credit unions, and all personal representatives, guardians, trustees, and other fiduciaries in the State may legally invest any moneys or funds belonging to them or within their control and available for investment under other provisions of law, in any bonds or other obligations issued by the Hawaii housing authority, or in any bonds or other obligations issued by any public housing authority or agency in the United States when the bonds or other obligations of the public housing authority or agency are secured by a pledge of annual contributions or other financial assistance to be paid by the federal

government or any agency thereof, and the bonds and other obligations of the authority and the bonds and other obligations of any such public housing authority or agency shall be authorized security for all public deposits and shall be fully negotiable in the State. It is the purpose of this section to authorize any of the foregoing to use any funds owned or controlled by them, including (but not limited to) sinking, insurance, investment, retirement, compensation, pension, and trust funds and funds held on deposit, for the purchase of any such bonds or other obligations; provided that nothing contained in this section shall operate to relieve any person, firm, or corporation from liability for failure to exercise reasonable care in selecting investments or, in the case of a guardian or trustee, from liability for failure to exercise the judgment and care to observe the duties required of a guardian or trustee by sections 406-22 and 554-6."

SECTION 12. Section 359-88, Hawaii Revised Statutes, is amended to read as follows:

"**§359-88 Bonds legal investments.** All public officers and bodies and political subdivisions of the State, all banks, savings banks, and savings institutions, insurance companies, including building and loan, or savings and loan associations, all credit unions, all trust companies, all personal representatives, guardians, trustees, and all other persons and fiduciaries in the State who are regulated by law as to the character of their investments, may legally invest funds within their control and available for investment in housing bonds, the purpose of this section being to authorize all persons, firms, corporations, associations, political subdivisions, bodies, and officers, public or private, to use any funds owned or controlled by them, including (without prejudice to the generality of the foregoing language) sinking, insurance, investment, retirement, compensation, and trust funds, and funds held on deposit, for the purchase of any housing bonds."

SECTION 13. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 14. This Act shall take effect upon its approval.

(Approved May 7, 1990.)

ACT 60 H.B. NO. 2338

A Bill for an Act Relating to Publication of Annual Supplements to Comprehensive Ordinance Codes.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Purpose. The Legislature determined via Act 46, Session Laws of Hawaii 1970, that the publishing and annual updating of the comprehensive ordinance code for the City and County of Honolulu would ease the burden of research for the people of the City and County of Honolulu, the county employees who serve them, and the using public in direct response to the random organization of City and County ordinances prior to that time. Under §3-205, Revised Charter of Honolulu, the Department of the Corporation Counsel for the City and County (hereinafter "Department") was delegated the

responsibility of maintaining a comprehensive ordinance code appropriate for continuation as law

The twenty-four chapters in the 1969 Revised Ordinances of Honolulu, totalling less than five hundred pages, has increased to over nine hundred pages for the 1987 cumulative pocket part Supplement to the 1978 Revised Ordinances of Honolulu (1983 Supplement) Because of the cumulative requirements of Act 46 (codified as §46-2 2, Hawaii Revised Statutes), the time required by the Department to annually compile, proof, and print an annual supplement has resulted in an annual supplement being released two years after the closing date for that year, an unacceptable hiatus

It is therefore the purpose of this Act to provide for a more modern means of maintaining a current comprehensive ordinance code

SECTION 2 Section 46-2 2, Hawaii Revised Statutes, is amended to read as follows

"[]§46-2.2[] **Publication of supplements.** Comprehensive ordinance codes published pursuant to section 46-2 1 shall be updated [annually by] at least once a year by either of the following methods

(1) By the publication of a cumulative pocket part supplement which shall be appropriately indexed and shall contain all ordinances enacted subsequent to the publication of the preceding comprehensive ordinance code[ ], or

(2) By a supplement or supplements in looseleaf form, the pages of which are intended to replace existing pages or to be added thereto in appropriate positions within the comprehensive ordinance code In the event the supplements are in looseleaf form, such supplements shall contain all ordinances enacted subsequent to the last preceding looseleaf supplement and shall also include appropriate amendment pages to the index contained in the comprehensive ordinance code."

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored.

SECTION 4 This Act shall take effect upon its approval

(Approved May 7 1990)

ACT 61 H B NO 2358

A Bill for an Act Relating to Condominiums

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Chapter 514A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"**§514A- Condominium specialist; appointment; duties.** There are established two permanent condominium specialist positions within the department of commerce and consumer affairs to assist consumers with information, advice, and referral on any matter relating to this chapter or otherwise concerning condominium property regimes There is also established a permanent secretarial position to provide assistance in carrying out these duties. The condominium

specialists and secretary shall be appointed by the director of commerce and consumer affairs without regard to chapters 76 and 77. The condominium specialists and secretary shall be members of the employees' retirement system of the State of Hawaii and shall be eligible to receive the benefits of any state or federal employee benefit program generally applicable to officers and employees of the State."

SECTION 2. New statutory material is underscored.[1]

SECTION 3. This Act shall take effect on July 1, 1990.

(Approved May 7, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 62 H.B. NO. 2400

A Bill for an Act Relating to Offenses Against the Person.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 707-714, Hawaii Revised Statutes, is amended to read as follows:

"**§707-714 Reckless endangering in the second degree.** (1) A person commits the offense of reckless endangering in the second degree if he engages in conduct which recklessly places another person in danger of death or serious bodily injury.

(2) For the purposes of this section and in addition to other applications, a person engages in conduct which recklessly places another person in danger of death or serious bodily injury when that person intentionally discharges a firearm in a populated area, in a residential area or within the boundaries or in the direction of any road, street or highway; provided that the provisions of this paragraph shall not apply to any person who discharges a firearm upon a target range for the purpose of the target shooting done in compliance with all laws and regulations applicable thereto.

[(2)] (3) Reckless endangering in the second degree is a misdemeanor."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 7, 1990.)

ACT 63

H B NO 2527

A Bill for an Act Relating to Antitrust Provisions

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 480-1, Hawaii Revised Statutes, is amended by amending the definition of "consumer" to read as follows"[1]

" "Consumer" means a natural person who, primarily for personal, family, or household purposes, purchases, attempts to purchase, or is solicited to purchase goods or services or who commits money, property, or services in [an] a personal investment "

SECTION 2 New statutory material is underscored.[1]

SECTION 3 This Act shall take effect upon its approval

(Approved May 7, 1990)

Note

1 So in original

ACT 64

H B NO 2532

A Bill for an Act Relating to the Uniform Trustees' Powers Act

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 554A-8, Hawaii Revised Statutes, is amended to read as follows

"**[|]§554A-8[|] Application of chapter.** Except as specifically provided in the trust, the provisions of this chapter shall apply to any trust [established after May 1, 1985] with a situs in Hawaii, whenever established."

SECTION 2 Statutory material to be repealed is bracketed. New statutory material is underscored

SECTION 3 This Act shall take effect on July 1, 1990

(Approved May 7 1990)

ACT 65

H B NO 2637

A Bill for an Act Relating to the Dispersal Review Council

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Act 205, Session Laws of Hawaii 1988, is amended by amending section 6 to read as follows

"SECTION 6. This Act shall take effect upon its approval; provided that[:

(1)] SECTION 4 of this Act[1] shall take effect on July 1, 1988[;

(2) The council shall concentrate on implementation of this Act on Oahu until July 1, 1990]."

SECTION 2. This Act shall take effect upon its approval.

(Approved May 7, 1990.)

Note

1. So in original.

ACT 66 H.B. NO. 2868

A Bill for an Act Relating to Accounting.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 40-1, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) With respect to the executive branch, except the University of Hawaii and the department of education, the comptroller shall have complete supervision of all accounts. The comptroller shall preaudit all proposed payments to determine the propriety of expenditures and compliance with such executive orders and rules as may be in effect. When necessary, the comptroller shall withhold approval of any payment. Whenever approval is withheld, the department or agency concerned shall be promptly notified. With respect to the University of Hawaii and the department of education, the comptroller shall issue warrants for the release of funds for the operating costs of the university or the department of education, as applicable, in amounts and at times mutually agreed upon by the governor or director of finance and the university or the department of education, as applicable; provided that the amounts released shall not exceed the allotment ceilings for the respective funding sources of the university's or the department of education's appropriations established by the governor for an allotment period pursuant to section 37-34[.]; provided further that the comptroller may issue warrants as an advance from the state treasury to the department of education to establish a checking account and provide working capital in amounts and times mutually agreed upon by the governor or director of finance and the department of education. The University of Hawaii and the department of education shall preaudit all proposed payments to determine the propriety of expenditures and compliance with applicable laws, executive orders, and rules as may be in effect. The University of Hawaii and the department of education shall make disbursements for operating expenses from the amounts released by the comptroller and maintain records and documents necessary to support those disbursements at times mutually agreed upon by the university president or the superintendent of education, as applicable, and the comptroller; provided that when requested by the university or the department of education, the comptroller shall make all disbursements for the university or the department of education, as applicable, subject to available allotment. Funds released pursuant to this section shall be deposited by the university or the department of education, as applicable, in accordance with the provisions applicable to the director of finance by chapter 38. Any interest earned on the

deposit of funds released pursuant to this section shall be deposited in the state treasury at the end of each fiscal year "

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved May 7, 1990)

ACT 67 H B. NO 2888

A Bill for an Act Relating to Elderly Housing

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Chapter 201E, Hawaii Revised Statutes, is amended by adding a new subpart to part III to be appropriately designated and to read as follows

" HOUSING FOR ELDERS

§201E- Development of housing for elders; priority. The corporation may develop or rehabilitate housing projects for elders which shall be deemed to have a priority in the State's overall housing development plans

§201E- Powers in addition to powers. The powers conferred by this subpart shall be in addition and supplemental to the powers conferred by any other law, and nothing in this subpart shall be construed as limiting any other powers of the corporation

§201E- Transfer of housing projects and assets. Upon completion of a housing project developed under this subpart, the corporation shall transfer the housing project and all assets connected therewith to the Hawaii housing authority "

SECTION 2 Chapter 359, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows

"PART . HOUSING FOR ELDERS

§359- Definitions. The following terms, wherever used or referred to in this part, shall have the following respective meanings, unless a different meaning clearly appears from the context

"Elder" means a person who is a resident of the State and who has attained the age of sixty-two

"Housing complex" or "complex" shall include all real and personal property, buildings, and improvements, offices, lands for gardening or farming, and community facilities administered by the authority and providing safe and sanitary dwelling accommodations for residents. The terms shall also include all other real and personal property and all tangible or intangible assets held or used in connection with a housing complex administered under this part

§359- **Resident selection; dwelling accommodations; rentals.** In the administration of housing complexes, the authority shall observe the following with regard to resident selection, dwelling accommodations, and rentals:

(1) Except as hereinafter provided, it shall accept only elders as residents in the housing complexes.

(2) It may accept as residents in any housing unit one or more persons, related or unrelated by marriage. It may also accept as a resident in any dwelling accommodation or in any complex, in the case of illness or other disability of an elder who is a resident in the dwelling accommodation or in the complex, a person designated by the elder as the elder's companion and who is approved by the authority, although the person is not an elder; provided that the person shall cease to be a resident therein upon the recovery of, or removal from the complex of, the elder.

(3) It may rent or lease to an elder a dwelling accommodation consisting of any number of rooms as the authority deems necessary or advisable to provide safe and sanitary accommodations to the proposed resident or residents thereof without overcrowding.

(4) Notwithstanding that the elder has no written rental agreement or that it has expired, so long as the elder continues to tender the usual rent to the authority or proceeds to tender receipts for rent lawfully withheld, no action or proceeding to recover possession of the dwelling unit may be maintained against the elder, nor shall the authority otherwise cause the elder to quit the dwelling unit involuntarily, demand an increase in rent from the elder, or decrease the services to which the elder has been entitled during hospitalization of the elder due to illness or other disability.

§359- **Housing for elders revolving fund.** There is created an housing for elders revolving fund to be administered by the authority. Notwithstanding any law to the contrary, moneys received or collected by the authority pursuant to this part or section 201E- shall be deposited into the revolving fund. Revenues from the fund may be used to pay the expenses of management, operation, and maintenance of housing, including, but not limited to, the cost of insurance, a proportionate share of the administrative expenses of the authority, and the costs of repairs, equipment, and improvements."

SECTION 3. Section 46-4, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Neither this section nor any other law, county ordinance, or rule shall prohibit group living in facilities with eight or fewer residents and which are licensed by the State as provided for under section 321-15.6 or in an intermediate care [facilities for the mental retardation] facility/mental retardation-community (ICF/MR-C) for persons, including the mentally ill, [the elderly,] elders, the handicapped, the developmentally disabled, or [the] totally disabled persons, who are not related to the home operator or facility staff; provided that [such] those group living facilities meet all applicable county requirements, not inconsistent with the intent of this subsection and including building height, setback, maximum lot coverage, parking, and floor area requirements. For purposes of this section[, "mentally]:

"Mentally ill person" means a mentally ill person as defined under section 334-1[; "elderly person"].

"Elder" means an [elderly person] elder as defined under section[201E-230; "handicapped] 201E-2.

"Handicapped person" means an individual with a physical handicap as defined under section 515-2[; "developmentally].

"Developmentally disabled person" means a person suffering from developmental disabilities as defined under section [333E-2; "totally] 333F-2.

"Totally disabled person" means a person totally disabled as defined under section 235-1[; and "intermediate].

"Intermediate care facility/mental retardation-community (ICF/MR-C)" is defined as an identifiable unit providing residence and care for eight or fewer mentally retarded individuals. Its primary purpose is the provision of health, social, and rehabilitation services to the mentally retarded through an individually designed active treatment program for each resident. No person who is predominately confined to bed shall be admitted as a resident of such a facility."

SECTION 4. Section 201E-2, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

" "Elder" means a person who is a resident of the State and who has attained the age of sixty-two."

SECTION 5. Section 321-15.6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The director shall adopt rules regarding adult residential care homes in accordance with chapter 91 which shall be designed to:

(1) Protect the health, safety, and civil rights of persons residing in facilities regulated;

(2) Provide for the licensing of adult residential care homes; provided that the rules shall allow group living in two categories of adult residential care homes as licensed by the department of health: type I allowing group living by five or fewer unrelated persons, and type II allowing six or more persons including, but not limited to, the mentally ill, [the elderly,] elders, the handicapped, the developmentally disabled, or [the] totally disabled persons who are not related to the home operator or facility staff. For purposes of this section[, "mentally]:

"Mentally ill person" means a mentally ill person as defined under section 334-1[; "elderly person" means an elderly person].

"Elder" means an elder as defined under section [359-52; "handicapped] 201E-2.

"Handicapped person" means an individual with a physical handicap as defined under section 515-2[; "developmentally].

"Developmentally disabled person" means a person with developmental disabilities as defined under section [333E-2; and "totally] 333F-2.

"Totally disabled person" means a person totally disabled as defined under section 235-1;

(3) Comply with applicable federal laws and regulations of Title XVI of the Social Security Act, as amended; and

(4) Provide penalties for the failure to comply with any rule."

SECTION 6. Section 321E-2, Hawaii Revised Statutes, is amended by amending the definition of "elderly person" to read as follows:

"["Elderly person" means a person] "Elder" shall be as defined in section [359-52;] 201E-2;"

SECTION 7. Section 359-121, Hawaii Revised Statutes, is amended to read as follows:

"**§359-121 Rent supplements.** The Hawaii housing authority is authorized to make, and contract to make, annual payments to a "housing owner" on behalf of a "qualified tenant", as those terms are defined in this part, in such amounts and under such circumstances as are prescribed in or pursuant to this part. In no case shall a contract provide for such payments with respect to any housing for a period exceeding forty years. No payment on behalf of a qualified tenant shall exceed a segregated amount of $160 a month; provided that payments on behalf of [elderly persons] elders as defined in section [359-52] 359- shall not exceed a segregated amount of $160 a month."

SECTION 8. Chapters 346, 349, 349C, and 524 and sections 46-15.1, 201E-12, 201E-30, 201E-180, 201E-205, 201E-208, 226-22, 269-16.5, 235-2.2, 321E-1, 321E-3, 330C-5, 356-15, 356-20, 359-125, 359-171, 371K-3, 457B-4, 515-3, 706-620, 706-660.2, and 706-662, Hawaii Revised Statutes, are amended by substituting the words "elders" or "elder" or like terms for the words "the elderly" or "elderly", as the context requires.

SECTION 9. Subpart D of part III of chapter 201E, Hawaii Revised Statutes, is repealed.

SECTION 10. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 10. This Act shall take effect upon its approval.

(Approved May 7, 1990.)

ACT 68 H.B. NO. 2909

A Bill for an Act Relating to the Hawaii Housing Authority.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 356, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§356- Exemption from general excise taxes.** (a) In accordance with section 237-29, the authority may approve and certify for exemption from general excise taxes eligible gross income received by any qualified person or firm from any qualified, newly constructed or rehabilitated project developed under chapters 356 and 359.

(b) All claims for exemption under this section shall be filed with and certified by the authority and forwarded to the department of taxation. Any claim for exemption that is filed and approved shall not be considered a subsidy for the purpose of this chapter."

SECTION 2 Section 237-29, Hawaii Revised Statutes, is amended to read as follows

"**§237-29 Exemptions for certified or approved housing projects.** (a) All gross income received by any qualified person or firm for the planning, design, financing, construction, sale, or lease in the State of a housing project which has been certified or approved under section 201E-205 or section 356- shall be exempt from general excise taxes

(b) All gross income received by a nonprofit or a limited distribution mortgagor for a low and moderate income housing project certified or approved under section 201E-205 or section 356- shall be exempt from general excise taxes.

(c) The director of taxation, the Hawaii housing authority, and the housing finance and development corporation shall adopt rules pursuant to chapter 91 for the purpose of this section, including any time limitation for [such] the exemptions."

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 4 This Act shall take effect upon its approval

(Approved May 7 1990)

Note

1 Edited pursuant to HRS §23G-16 5

ACT 69 H.B. NO 3282

A Bill for an Act Relating to Coral

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 It is the legislature's intent to further protect Hawaii's coral resources by prohibiting the sale of stony corals taken alive, or dead, but intact, not broken, and sold as souvenirs Stony corals are not used in the manufacture of jewelry, which is made from precious corals, such as black and pink corals Coral rubble pieces or fragments imported into Hawaii or obtained through dredging operations are not included in this ban

SECTION 2 Section 188-68, Hawaii Revised Statutes, is amended to read as follows

"**[[§188-68]] Stony coral; taking and selling prohibited.** (a) The taking of live stony coral of the taxonomic order, Madreporaria, including the Fungidae or Pocilloporidae families, for any reason, is prohibited except with a permit authorized under section 187A-6 or section 183-41

(b) After July 1, 1992, no person shall sell or offer for sale as souvenirs any stony coral of the taxonomic order, Madreporaria, of the species Montipora verrucosa, Fungia scutaria, Pocillopora damicornis, Pocillopora meandrina, Pocillopora eydouxi, Porites compressa, Porites lobata, and Tubastraea coccinea, provided that stony coral souvenirs shall not include coral rubble pieces or fragments imported for the manufacture and sale of coral jewelry or

obtained through dredging operations in Hawaii for agricultural or other industrial uses."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 7, 1990.)

ACT 70 H.B. NO. 3440

A Bill for an Act Relating to Land.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Purpose. The purpose of this Act is to transfer title to state land used for grave sites for fifty years or more to the person or organization, including a church, that maintains the grave sites.

SECTION 2. Any person or organization, including a church, that has maintained grave sites on state land for fifty years or more may request the board of land and natural resources to transfer the land in fee to that person or organization for its use and maintenance in perpetuity.

The conveyance of the land shall be by deed specifically stating:

(1) That title is in fee for perpetuity;
(2) That the use of the land shall be restricted to that of a cemetery; and
(3) That the failure to maintain the land as a cemetery for a continuous period of one year shall result in the immediate reversion of the fee simple title to the State without notice or action.

After a person or organization requests that the board transfer the land in fee, the board shall enter negotiations with the person or organization to implement the transfer.

Any person or organization, including a church, to which the board has granted a transfer of grave sites in fee, is obligated to maintain the land as a cemetery. If the land is not maintained as a cemetery for a continuous period of one year, then the fee title in the land shall immediately revert to the State without notice or action.

SECTION 3. The department of land and natural resources shall have the authority to transfer grave sites in fee to any person or organization, including churches, notwithstanding chapter 171. The department shall assess and collect a conveyance fee of $1 for each conveyance under this Act.

SECTION 4. This Act shall take effect on July 1, 1990 and shall be repealed on June 30, 1992.

(Approved May 7, 1990.)

ACT 71

H.B. NO 2459

A Bill for an Act Relating to Disaster Relief

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 209-30, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows

"(a) No loan shall include any portion or item of loss covered by a contract of insurance or for which the applicant receives assistance from any other federal, state, or local program of disaster relief, and the amount of loans to any one applicant shall in no case exceed [$25,000] $50,000 for a commercial loan and [$5,000] $25,000 for a personal loan "

SECTION 2 Statutory material to be repealed is bracketed. New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved May 16, 1990)

ACT 72

H.B NO. 1718

A Bill for an Act Relating to the Judiciary

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by $2,179,000, or 0 093 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $1.450,843, or 0 057 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 3 Section 602-2, Hawaii Revised Statutes, is amended to read as follows.

"§602-2 Salary, supreme court justices. Effective January 1, [1986,] 1989, the salary of the chief justice of the supreme court shall be [$80,000] $90,699 a year and the salary of each associate justice of the supreme court shall be [$78,500] $89,699 a year Effective January 1, 1990, the salary of the chief justice

of the supreme court shall be $94,780 a year and the salary of each associate justice of the supreme court shall be $93,780 a year."

SECTION 4. Section 602-52, Hawaii Revised Statutes, is amended to read as follows:

"**§602-52 Salary.** Effective January 1, [1986,] 1989, the salary of the chief judge of the intermediate appellate court shall be [$75,500] $87,199 a year and the salary of each associate judge shall be [$73,500] $85,699 a year. Effective January 1, 1990, the salary of the chief judge of the intermediate appellate court shall be $91,280 a year and the salary of each associate judge shall be $89,780 a year."

SECTION 5. Section 603-5, Hawaii Revised Statutes, is amended to read as follows:

"**§603-5 Salary of circuit court judges.** Effective January 1, [1986,] 1989, the salary of each circuit court judge of the various circuit courts of the State shall be [$69,500] $82,699 a year. Effective January 1, 1990, the salary of each circuit court judge of the various circuit courts of the State shall be $86,780 a year."

SECTION 6. Section 604-2.5, Hawaii Revised Statutes, is amended to read as follows:

"**§604-2.5 Salary of district judges.** Effective January 1, [1986,] 1989, the salary of each district court judge of the various district courts of the State shall be [$64,500] $77,699 a year. Effective January 1, 1990, the salary of each district court judge of the various district courts of the State shall be $81,780 a year.

Whenever the chief justice appoints a district court judge of any of the various district courts of the State to serve temporarily as a circuit court judge of any of the various circuit courts of the State, the judge shall receive per diem compensation for the days on which actual service is rendered based on the monthly rate of compensation paid to a circuit court judge. For the purpose of determining per diem compensation in this section, a month shall be deemed to consist of twenty-one days."

SECTION 7. Section 601-3, Hawaii Revised Statutes, is amended to read as follows:

"**§601-3 Administrative director.** The chief justice, with the approval of the supreme court, shall appoint an administrative director of the courts to assist the chief justice in directing the administration of the judiciary. The administrative director shall be a resident of the State for a continuous period of three years prior to the administrative director's appointment, and shall be appointed without regard to chapters 76 and 77 and shall serve at the pleasure of the chief justice. The administrative director shall hold no other office or employment. Effective January 1, [1986,] 1989, the administrative director shall receive a salary of [$68,400] $81,629 a year. Effective January 1, 1990, the administrative director shall receive a salary of $85,302 a year. The administrative director shall, subject to the direction of the chief justice, perform the following functions:

(1) Examine the administrative methods of the courts and make recommendations to the chief justice for their improvement;
(2) Examine the state of the dockets of the courts, secure information as to their needs of assistance, if any, prepare statistical data and

reports of the business of the courts and advise the chief justice to the end that proper action may be taken,

(3) Examine the estimates of the courts for appropriations and present to the chief justice the administrative director's recommendations concerning them,

(4) Examine the statistical systems of the courts and make recommendations to the chief justice for a uniform system of judicial statistics,

(5) Collect, analyze, and report to the chief justice statistical and other data concerning the business of the courts,

(6) Assist the chief justice in the preparation of the budget, the six-year program and financial plan, the variance report and any other reports requested by the legislature,

(7) Carry out all duties and responsibilities that are specified in title 7 as it pertains to employees of the judiciary, and

(8) Attend to such other matters as may be assigned by the chief justice

The administrative director shall, with the approval of the chief justice, appoint a deputy administrative director of the courts subject to chapter 76 but not subject to chapter 77 and such assistants as may be necessary. Such assistants shall be appointed subject to chapters 76 and 77 Effective January 1, [1986,] 1989, the salary of the deputy administrative director shall be [$61,560] $74,608 a year Effective January 1, 1990, the salary of the deputy administrative director shall be $77,966 a year The administrative director shall be provided with necessary office facilities

The judges, clerks, officers, and employees of the courts shall comply with all requests of the administrative director for information and statistical data relating to the business of the courts and expenditure of public funds for their maintenance and operation "

SECTION 8 There is appropriated out of the general revenues of the State of Hawaii the sum of $2,179,000, or so much thereof as may be necessary for fiscal year 1989-1990, and the sum of $1,450,843, or so much thereof as may be necessary for fiscal year 1990-1991, to provide salary increases and retroactive payments of salary for the justices of the supreme court, the judges of the intermediate court of appeals, the judges of the various circuit and district courts, the administrative director of the courts, and the deputy administrative director of the courts.

SECTION 9 The sums appropriated shall be expended by the judiciary for the purposes of this Act

SECTION 10 The president of the senate and the speaker of the house of representatives shall, before July 1, 1990, each appoint three members to a joint legislative study committee to be comprised of a total of six members The purpose of the joint legislative study committee shall be to prepare a fact-finding study on the effect of requiring district court judge applicants to go through the same confirmation process as supreme court justices and intermediate appellate court and circuit court judges The study shall include the differences in the jurisdiction and responsibilities between district court and circuit court judges, the types of cases heard, the powers they have, and their direct impact on the public and the justice system The joint legislative study committee shall solicit input from the bar as well as the bench, and shall include in its report findings and recommendations upon the following issues and questions:

(1) Whether or not the term of district court judges should be extended from six to ten years if a district court judge is required to go through the same confirmation process as a circuit court judge.

(2) Whether or not the duties and powers of district court judges should be expanded into areas such as handling misdemeanor jury trials. Presently, district court judges handle traffic cases, landlord-tenant disputes, simple collection cases, contract disputes, small claims, and other cases involving smaller monetary values. They have less sentencing authority than other judges. The joint legislative study committee should also study whether or not the sentencing authority of district court judges should be increased.

(3) A comparison of the workload and types of cases handled by circuit court and district court judges, including a study of how often district court judges sit on the circuit court bench.

(4) (a) The impact on the willingness of persons in the legal community to apply for a district court judgeship without additional benefits such as a longer term and vested pension benefits; and

(b) The impact on the willingness of persons in the legal community to apply for a district court judgeship without additional benefits such as a longer term and vested pension benefits if confirmation is required.

(5) Whether the present appointment system should remain the same or whether it should be changed to provide for appointment of district court judges by the governor with the consent of the senate or the chief justice with the consent of the senate.

(6) Whether pension benefits of district court judges should be increased.

(7) The extent of public participation in the present method of selecting district court judges through the judicial selection commission and whether there should be a public hearing process outside of the Legislature pending final approval of the appointment of a district court judge by the chief justice or the appointing authority.

(8) The effect upon the balance of power between the executive and judiciary branches if there is a change in the method of appointing district court judges.

(9) Whether the present method of selection of district court judges is a sufficient safeguard without a confirmation process.

(10) The expected costs of holding public confirmation hearings for district court judges.

(11) Advantages and disadvantages of changing the present method of selection of district court judges.

(12) The judiciary is the only branch of government that is comprised entirely of persons who are not subject to the elective process. Would it result in a better balanced body of longer term public servants if two different selection processes are used at the entry level, rather than one?

The joint legislative study committee shall submit a report of its findings and recommendations to the Legislature twenty days prior to the convening of the Regular Session of 1991.

SECTION 11. Section 3 of Article VI of the Constitution of the State of Hawaii is amended to read as follows:

"APPOINTMENT OF JUSTICES AND JUDGES

Section 3 The governor shall, with the consent of the senate, fill a vacancy in the office of the chief justice, supreme court, intermediate appellate court and circuit courts, by appointing a person from a list of not less than six nominees for the vacancy, presented to the governor by the judicial selection commission

If the governor fails to make any appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate If the senate fails to reject any appointment within thirty days thereof it shall be deemed to have given its consent to such appointment If the senate shall reject any appointment, the governor shall make another appointment from the list within ten days thereof The same appointment and consent procedure shall be followed until a valid appointment has been made, or failing this, the commission shall make the appointment from the list, without senate consent

The chief justice shall fill a vacancy in the district courts by appointing a person from a list of not less than six nominees for the vacancy presented by the judicial commission If the chief justice fails to make the appointment within thirty days of presentation, the appointment shall be made by the judicial selection commission from the list The chief justice shall appoint per diem district court judges as provided by law

QUALIFICATIONS FOR APPOINTMENT

Justices and judges shall be residents and citizens of the State and of the United States, and licensed to practice law by the supreme court A justice of the supreme court a judge of the intermediate appellate court and a judge of the circuit court shall have been so licensed for a period of not less than ten years preceding nomination A judge of the district court shall have been so licensed for a period of not less than five years preceding nomination

No justice or judge shall, during the term of office engage in the practice of law, or run for or hold any other office or position of profit under the United States, the State or its political subdivisions

TENURE; COMPENSATION; RETIREMENT

The term of office of justices and judges of the supreme court, intermediate appellate court and circuit courts shall be ten years Judges of district courts shall hold office for the periods as provided by law At least six months prior to the expiration of a justice s or judge's term of office, every justice and judge shall petition the judicial selection commission to be retained in office or shall inform the commission of an intention to retire If the judicial selection commission determines that the supreme court, intermediate appellate court, or district court justice or judge should be retained in office the commission shall renew the term of office of such justice or judge for the period provided by this section or by law If the judicial selection commission determines that the circuit court judge should be retained in office, the commission shall, with the consent of the senate, renew the term of office of the judge for the period provided by this section or by law If the senate fails to reject any renewal within thirty days thereof, it shall be deemed to have given its consent to such renewal

There shall be a salary commission to review and recommend salaries for justices and judges of all state courts. Justices and judges shall have salaries as provided by law. Their compensation shall not be decreased during their respective terms of office, unless by general law applying to all salaried officers of the State. They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State."

SECTION 12. The question to be printed on the ballot shall be as follows: "Shall the method of renewal of the terms of Circuit Court judges be changed from a determination of fitness by the Judicial Selection Commission to a determination of fitness by the Judicial Selection Commission with the consent of the Senate?"

SECTION 13. Statutory and constitutional material to be repealed is bracketed. New statutory and constitutional material is underscored.

SECTION 14. This Act shall take effect upon its approval, except that the constitutional amendment proposed in section 11 shall take effect upon compliance with section 3 of Article XVII of the Constitution of the State of Hawaii. All other sections shall take effect upon approval.

(Approved May 18, 1990.)

ACT 73 H.B. NO. 1261

A Bill for an Act Relating to Public Lands.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 171-41.5, Hawaii Revised Statutes, is amended to read as follows:

"[[]171-41.5[]] Amendment of [lease for] commercial, hotel, or industrial [use.] lease. (a) The board of land and natural resources, after notification and public hearing as provided in subsection (b), may amend the height, density, and other building restrictions or requirements and the specific use or uses contained in a lease for hotel, commercial, or industrial use of public land to another or an additional specific hotel, commercial, or industrial use or uses, or restriction; provided that the lease has been in effect twenty years or more, and upon:

(1) The application of the lessee;
(2) Consent of each holder of record having a security interest in any improvements made by the lessee to the leased public land;
(3) A finding by not less than two thirds of the total membership of the board that the amended use or uses or restriction is in the public interest; and
(4) Agreement by the lessee that the lessee, commencing from the effective date of the [amended use or uses,] amendment, shall pay a revised annual rent equal to the annual fair market rental value of the land based on the [amended use or uses.] amendment. The annual fair market value of the land shall be determined and set by the board. Such amendments shall not be construed to permit the construction of improvements not otherwise permitted by county zoning regulations applicable to the public land.

(b) Before any amendment to a state lease, the board of land and natural resources shall give no fewer than fourteen days notice by advertisement in no fewer than two newspapers, at least one of general circulation in the State and one of general circulation in the county where the subject property is situated A full hearing shall be given by the board of land and natural resources, to all who desire to be heard upon the subject matter of the notice The hearing shall be public, on the island where the subject property is situated, and shall be conducted under such rules as the board may adopt '

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved May 23 1990)

ACT 74 S B NO 2283

A Bill for an Act Relating to Family Court

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 578-8, Hawaii Revised Statutes is amended to read as follows

"§578-8 Hearing; investigation; decree No decree of adoption shall be entered unless a hearing has been held at which the petitioner or petitioners, and any legal parent married to a petitioner, and any [individual] subject of the adoption whose consent is required, have personally appeared before the court, unless expressly excused by the court After considering the petition and such evidence as the petitioners and any other properly interested person may wish to present, the court may enter a decree of adoption if it is satisfied (1) that the individual is adoptable under sections 578-1 and 578-2 (2) that the individual is physically, mentally, and otherwise suitable for adoption by the petitioners, (3) that the petitioners are fit and proper persons and financially able to give the individual a proper home and education if the individual is a child, and (4) that the adoption will be for the best interests of the individual, which decree shall take effect upon such date as may be fixed therein by the court, such date to be not earlier than the date of the filing of the petition and not later than six months after the date of the entry of the decree

Before entering the decree, the court shall notify the director of human services[1] of the pendency of such petition for adoption and allow a reasonable time for the director or such county administrators[1] to make such investigation as the director or county administrator may deem proper as to the fitness of the petitioners to adopt the individuals,[1] however the physical disability of the petitioners shall not of itself be determinant of unfitness for purposes of the section, and as to whether the best interest of the individual will be subserved by the adoption, provided that the court may if it finds that the best interests of the individual to be adopted so require, by written order waive the requirement for notification and investigation above set forth, and enter its decree solely on the basis of the evidence adduced at the hearing The director shall have the right to intervene in any adoption proceeding for the purpose of protecting the interests

of the individual to be adopted or of any legal parent of the individual, and shall have the same rights of appeal as any party to the proceeding

The attorney general, upon the request of the director, shall represent the director in any such proceeding The director, when notified as above set forth, or when the director has intervened without notification, shall make a report to the court within the time required, reporting the facts disclosed and the director's recommendation, provided that the director, if the director determines that the best interests of the individual to be adopted will be served thereby, may refer any such notification to a child placing organization approved by the department under section 346-17, and the report and recommendation of such organization, when forwarded by the director shall be considered by the court in lieu of a report and recommendation by the director If the court determines that any such report discloses facts adverse to the petitioners or indicates that the best interest of the individual to be adopted will not be subserved by the proposed adoption, it shall thereupon give notice of the determination to the petitioners and afford them a reasonable opportunity to rebut the report "

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved May 23 1990)

Note

1 So in original

ACT 75 S B NO 2592

A Bill for an Act Relating to Insurance Holding Companies

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 431 11-106, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows

" (c) (1) Notwithstanding the control of a domestic insurer by any person, the officers and directors of the insurer shall not thereby be relieved of any obligation or liability which they would otherwise be subject to by law The insurer shall be managed so as to assure its separate operating identity consistent with this article

(2) Nothing herein shall preclude a domestic insurer from having or sharing a common management or cooperative or joint use of personnel, property, or services with one or more other persons under arrangements meeting the standards of subsection (a)(1)

[(3) Not less than one-third of the directors of a domestic insurer and not less than one-third of the members of each committee of the board of directors of any domestic insurer shall be persons who are not officers or employees of the insurer or of any entity controlling, controlled by or under common control with the insurer, and who are not beneficial owners of a controlling interest in the voting stock of the insurer or any such entity At least one of these persons must be included in any quorum for the transaction of business at any meeting of the board of directors or any committee thereof

(4) The board of directors of a domestic insurer shall establish one or more committees comprised solely of directors who are not officers or employees of the insurer or of any entity controlling, controlled by, or under common control with the insurer, and who are not beneficial owners of a controlling interest in the voting stock of the insurer or any similar entity The committee or committees shall have responsibility for recommending the selection of independent certified public accountants reviewing the insurer's financial condition, the scope and results of the independent audit, and any internal audit, nominating candidates for director for election by shareholders or policyholders, and evaluating the performance of officers deemed to be principal officers of the insurer and recommending to the board of directors the selection and compensation of the principal officers

(5) The provisions of subsections (c)(3) and (c)(4) shall not apply to a domestic insurer if the person controlling the insurer is an insurer having a board of directors and committees thereof that meet the requirements of subsections (c)(3) and (c)(4)]"

SECTION 2 Statutory material to be repealed is bracketed

SECTION 3 This Act shall take effect upon its approval

(Approved May 23 1990)

ACT 76 S B NO 2693

A Bill for an Act Relating to Financial Institutions

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 401-3, Hawaii Revised Statutes, is amended to read as follows

"**§401-3 [Inspection; examination; duties.] Examinations and duties.** Every bank, trust company, building and loan association, fiduciary company, financial services loan company, or licensee under chapter 409 doing business in the State, excepting the national banks, shall be subject to the [inspection] examination of the commissioner The commissioner or a duly appointed examiner shall visit and examine every such bank, company, association, or licensee no less than once every [18] eighteen months unless otherwise provided by law and whenever the commissioner deems it necessary or expedient[, and makes] The purpose of the examination shall be to ensure that such bank, company, association, or licensee is not engaging in illegal, unsafe, or unsound practices The examination shall include a complete and careful [examination] review of the condition and resources of the bank, company, association, or licensee, the mode of managing its or the licensee's business and conducting its or the licensee s affairs, the action of its officers and directors, if a corporation, in the investment, management, and disposition of its funds, the disposition of funds and securities entrusted to it or the licensee in any fiduciary capacity, the safety and prudence of its or the licensee's management, its or the licensee's policy of transacting business, the security afforded to persons dealing therewith,

and whether the bank, company, association, or licensee is complying with the laws of the State.

The commissioner shall adopt rules pursuant to chapter 91 respecting examination priority, the frequency and scope of the examination depending on capital, assets, management, earnings and liquidity of the institution involved.

The commissioner shall keep in the commissioner's office proper records showing the acts, matters, and things by the commissioner done under this chapter."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 23, 1990.)

ACT 77 S.B. NO. 2696

A Bill for an Act Relating to Continuing Education for Naturopathic Physicians.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 455-8, Hawaii Revised Statutes, is amended to read as follows:

"§455-8 License to practice; biennial registration[; continuing education]. Licenses to practice naturopathy shall be issued by the board to those who qualify according to this chapter. Naturopathic physicians licensed under this chapter shall observe and be subject to all state requirements relative to reporting births and all matters pertaining to the public health with equal rights and obligations as physicians, surgeons, and practitioners of other schools of medicine. Every licensee shall renew the licensee's license on or before December 31 of each odd-numbered year [and submit proof to the board that the licensee has met the requirement of continuing education in programs as set and approved by the board in its rules]. Failure to renew the license [and submit proof of satisfying the required continuing education program requirements] on or before December 31 of each odd-numbered year shall automatically constitute a forfeiture of license; provided that the license shall be restored upon written application therefor together with payment of the renewal fee, all delinquent fees, and a penalty fee[, and upon submission of proof that the person whose license has been forfeited has satisfied all continuing education requirements for the period of time the license has been forfeited]."

SECTION 2. Statutory material to be repealed is bracketed.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 23, 1990.)

ACT 78

S B NO 2834

A Bill for an Act Relating to Motor Vehicles

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 437B-15, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows

"(b) If any crash parts manufactured by anyone other than the original vehicle equipment manufacturer are to be supplied or installed[(1)], the estimate shall [state] clearly state that fact and identify each of those crash parts[, and (2) a disclosure document containing the following statement shall be attached to the customer's copy of the estimate "Crash parts not manufactured or supplied by the original vehicle equipment manufacturer may or may not be of the same quality as the original vehicle equipment parts "] In identifying the crash parts which are not manufactured by the original vehicle equipment manufacturer, the motor vehicle repair dealer, mechanic, or apprentice may include information on any applicable manufacturer's warranty and information about the part's compliance with any certified testing program

(c) No motor vehicle repair dealer, mechanic or apprentice shall use crash parts which are not manufactured or supplied by the original vehicle equipment manufacturer unless the owner of the motor vehicle accepts the use of such parts and signs [an agreement stating that the owner accepts the quality of the parts] the estimate acknowledging the use and source of the crash parts "

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved May 23 1990)

ACT 79

S B NO 2938

A Bill for an Act Relating to Civil Service Law and Exemptions

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 76-16, Hawaii Revised Statutes, is amended to read as follows

"§76-16 Civil service and exemptions. The civil service to which this part applies comprises all positions in the State now existing or hereafter established and embraces all personal services performed for the State, except the following

(1) Commissioned and enlisted personnel of the Hawaii national guard as such and positions in the Hawaii national guard that are required by state or federal laws or regulations or orders of the national guard to be filled from those commissioned or enlisted personnel,

(2) Positions filled by persons employed by contract where the director of personnel services has certified that the service is special or unique or is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform the service

cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year;

(3) Positions of a temporary nature needed in the public interest where the need for the position does not exceed one year, but before any person may be employed to render the temporary service, the director shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable;

(4) Positions filled by the legislature or by either house or any committee thereof;

(5) Employees in the office of the governor and household employees at Washington Place;

(6) Positions filled by popular vote;

(7) Department heads, officers, and members of any board, commission, or other state agency whose appointments are made by the governor or are required by law to be confirmed by the senate;

(8) Judges, referees, receivers, masters, jurors, jury commissioners, notaries public, land court examiners, court commissioners, and attorneys appointed by a state court for a special temporary service;

(9) One bailiff for the chief justice of the supreme court who shall have the powers and duties of a court officer and bailiff under section 606-14; one secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court; three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court and each judge of the intermediate appellate court, and one law clerk for each judge of the circuit court [and], one additional law clerk for the civil administrative judge of the circuit court of the first circuit, one additional law clerk for the civil motions judge of the circuit court of the first circuit, one additional law clerk for the criminal motions judge of the circuit court of the first circuit, and two law clerks for the administrative judge of the district court of the first circuit (provided that the law clerk for a judge of the circuit court shall be employed in lieu of and shall have the powers and duties of a court officer and bailiff under section 606-14); sheriff, first deputy sheriff, and second deputy sheriff; and one private secretary for the administrative director of the courts, the deputy administrative director of the courts, each department head, each deputy or first assistant, and each additional deputy, or assistant deputy, or assistant defined in paragraph (16);

(10) First deputy and deputy attorneys general, the administrative services manager of the department of the attorney general, one secretary for the administrative services manager, an administrator and any support staff for the criminal and juvenile justice resources coordination functions, and law clerks;

(11) Teachers, principals, vice-principals, district superintendents, chief deputy superintendents, other certificated personnel, and not more than twenty noncertificated administrative, professional, and technical personnel not engaged in instructional work in the department of education, the special assistant to the state librarian, one secretary for the special assistant to the state librarian, and members of the faculty of the University of Hawaii, including research workers, extension agents, personnel engaged in instructional work, and

administrative, professional, and technical personnel of the university,

(12) Employees engaged in special, research, or demonstration projects approved by the governor,

(13) Positions filled by inmates, kokuas, patients of state institutions, person[1] with severe physical or mental handicaps participating on the work experience training programs, and students and positions filled through federally funded programs which provide temporary public service employment such as the federal Comprehensive Employment and Training Act of 1973,

(14) A custodian or guide at Iolani Palace, Royal Mausoleum, and Hulihee Palace,

(15) Positions filled by persons employed on a fee, contract, or piecework basis who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State,

(16) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, Article V, of the State Constitution, three additional deputies or assistants either in charge of the highways, harbors, and airports divisions or other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor, one additional deputy to administer all hospitals within the jurisdiction of the department of health, one additional deputy in the department of health to administer all environmental health programs within the jurisdiction of the department, one additional deputy in the department of human services either in charge of welfare or other functions within the department as may be assigned by the director of human services, four additional deputies in the department of health in charge of administration or other functions within the department as may be assigned by the director of health with the approval of the governor, one additional deputy in the department of business and economic development to perform the duties assigned by the director of business and economic development and approved by the governor, one additional deputy in the department of budget and finance to perform the duties assigned by the director of finance and approved by the governor, one additional deputy within the department of land and natural resources to perform the duties to be assigned by the chairperson of the board of land and natural resources, one additional deputy in the department of taxation to perform the duties assigned by the director of taxation and approved by the governor, and an administrative assistant to the superintendent of education,

(17) Positions specifically exempted from this part by any other law, provided that all of the positions defined by paragraph (9) shall be included in the position classification plan,

(18) Positions in the state foster grandparent program and positions for temporary employment of senior citizens in occupations in which there is a severe personnel shortage or in special projects,

(19) Household employees at the official residence of the president of the University of Hawaii,

(20) Employees in the department of education engaged in the supervision of students during lunch periods and in the cleaning of classrooms after school hours on a less than half-time basis;
(21) Employees hired under the tenant hire program of the Hawaii housing authority; provided that no more than twenty-six per cent of the authority's work force in any housing project maintained or operated by the authority shall be hired under the tenant hire program;
(22) Positions of the federally funded expanded food and nutrition program of the University of Hawaii which require hiring of nutrition program assistants who live in the areas they serve;
(23) Positions filled by severely handicapped persons who are certified by the state vocational rehabilitation office that they are able to perform safely the duties of the positions; and
(24) One public high school student to be selected by the Hawaii state student council as a non-voting member on the board of education as authorized by the State Constitution.

The director shall determine the applicability of this section to specific positions.

Nothing in this section shall be deemed to affect the civil service status of any incumbent as it existed on July 1, 1955."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 23, 1990.)

Note

1. So in original.

ACT 80 S.B. NO. 3017

A Bill for an Act Relating to the Department of the Attorney General.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 846-28, Hawaii Revised Statutes, is amended to read as follows:

"**§846-28 Information to be secured.** The department of the attorney general shall require, collect, secure, make, and [preserve] maintain a [written] record of the following items of information so far as it is practicable to secure the same, with respect to each applicant for registration:
(1) The name of the person applying to be registered (hereinafter called the "registrant" or "applicant"), the street and number or address of the applicant's place of habitation in the State, and the applicant's residence and business telephone numbers, if any;
(2) The applicant's occupation and any pertinent data relating thereto;
(3) The applicant's nationality or racial extraction;
(4) The applicant's citizenship status;
(5) The date and place of the applicant's birth;

(6) The applicant's personal description including sex, height, weight, hair, eyes, complexion, build, scars, and marks;
(7) The fingerprints of both hands of the applicant; provided that this requirement shall not apply to minors until they reach the age of six years, except as may be requested by a parent or guardian;
(8) The name, relationship, and address of the nearest relative or other person to be notified in case of sickness, accident, death, emergency, or need of the applicant, if such notification is desired; and
(9) The social security number of the applicant."

SECTION 2. Section 846-29, Hawaii Revised Statutes, is amended to read as follows:

"**§846-29 Procedure.** (a) All information required by section 846-28 shall be secured by employees of the department of the attorney general as provided for by rules of the department and by personal interviews with the applicant for registration or responsible members of the same household. Every applicant and other person giving information on behalf of any applicant under this part shall answer truthfully all questions, furnish all information within the possession or knowledge of the person which may be asked or requested by the employee within the scope of the requirements of this part, and submit to the department all information and supporting documentation required by rules of the department.

(b) Special provisions may be made by rules of the attorney general:
(1) [for] For the registration of inmates, employees, and others residing at or in hospitals, correctional facilities, homes for the aged, indigent homes, and other institutions[.]; and
(2) [for] For the registration of other persons, whenever special treatment is required so as to minimize hardship or inconvenience attendant upon the registration contemplated by this part.

(c) The attorney general may require an applicant, or any person giving information in behalf of an applicant, to furnish original or certified copies of documents to establish or corroborate the information required to establish identity under this part and may, by rules, set forth what documents will be required to support or corroborate certain information."

SECTION 3. Section 846-35, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) All information and records acquired by the department of the attorney general under this part shall be confidential. All information and records shall be [filed] maintained in an appropriate form and in an appropriate office in the custody and under the control of the department, which shall at all times be kept separate from any similar records relating to the identification of criminals. The information shall be available only to authorized persons in the department, and such other persons or agencies as the attorney general shall authorize, under such restrictions as the attorney general shall prescribe. The attorney general may dispose of any application or certificate of registration, or information or record relating to such application or certificate of registration, which does not include a social security number, without regard to the provisions of chapter 94, whenever, in the attorney general's discretion, retention of such information or record is no longer required or practicable."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 23, 1990.)

ACT 81 S.B. NO. 3091

A Bill for an Act Relating to Claims for Legislative Relief.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 37-77, Hawaii Revised Statutes, is amended to read as follows:

"**§37-77 Claims for legislative relief.** All claims for refunds, reimbursements, or other payments, authorization for which is sought from the legislature, shall, as a condition to their being considered by the legislature, be filed [in quadruplicate] with the [director of finance at least thirty days prior to the convening of the legislature,] attorney general together with [quadruplicates of] all data and documents in support thereof. In the absence of a showing of sufficient reason therefor, failure to comply with this paragraph shall be deemed sufficient cause for refusal of the legislature to consider the claims.

The [director] attorney general shall, immediately upon receipt thereof, refer any claim and data so received by the [director] attorney general to the agency concerned[,] or the comptroller, and the agency to which the reference is made or the comptroller shall immediately investigate the claim, secure [in triplicate] all available data and documents bearing thereon, and refer the same back to the [director] attorney general with its recommendations thereon. The [director shall then forward the claim to the] attorney general[, who] shall review the claim[,] and make a recommendation as to the disposition of the claim [and inform the director of the recommendation].

The attorney general shall, within five days after the opening of the session, transmit to the legislature the claims which are then recommended for approval in an appropriate legislative bill form, together with [all the data and documents substantiating each claim.] an explanation for each claim. Additional recommendations for approval may be transmitted later in the session. All claims for which there is a recommendation of denial shall also be reported to the legislature[.] with an explanation. The data and documents submitted by claimants shall be available for inspection by the legislature."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 23, 1990.)

ACT 82

S B NO 3121

A Bill for an Act Relating to Income Tax Withholding

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 235-64, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows

"(b) In addition to the liability imposed by subsection (a) if any employer which is a corporation fails, neglects, or refuses to deduct and withhold from the wages paid to any employee, or to pay over, the amount of tax required, any person or corporate officer [of such] excluding those who have only ministerial duties, who is under a duty to the corporation [who as such officer is under a duty] to deduct and withhold or to pay over, the amount of tax required, and who wilfully fails to perform such duty, shall be liable to the State for the amount of the tax The liability may be assessed and collected in the same manner as the liability imposed by subsection (a), provided that two or more [officers] persons may be assessed under this subsection jointly or in the alternative, but the tax shall be collected only once with respect to the same wages The voluntary or involuntary dissolution of the corporation, or the withdrawal and surrender of its right to engage in business within this State shall not discharge the liability hereby imposed "

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved May 23 1990)

ACT 83

S B. NO 3221

A Bill for an Act Relating to Wildlife

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 183D-10 5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows

"(b) The following proceeds shall be retained by or transmitted to the department of land and natural resources for deposit into the wildlife revolving fund

(1) Moneys collected as fees for hunting licenses, attendance of hunter [safety] education training programs, and use of public target ranges,
(2) Moneys collected under the provision of any law relating to the importation, taking, catching, or killing of game, wildlife, and products thereof, [and]
(3) Moneys, other than informers' fees authorized under section 183D-11, collected as fines or bail forfeitures for violation of this chapter or any provision of chapter 195D concerning wildlife conservation[ ], and

(4) Moneys collected from the sale of:
(A) Any article, in addition to a hunting license, which a person is required to purchase from the department in order to hunt, when the requirement is established by law or rule; and
(B) Any work of art upon which the article under subparagraph (A) is based."

SECTION 2. Section 706-643, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

"(2) All fines and other final payments received by a clerk or other officer of a court shall be accounted for, with the names of persons making payment, and the amount and date thereof, being recorded. All such funds shall be deposited with the director of finance to the credit of the general fund of the State. With respect to fines and bail forfeitures which are proceeds of the wildlife revolving fund under section 183D-10.5, the director of finance shall transmit the fines and forfeitures to that fund."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 1990.

(Approved May 23, 1990.)

ACT 84 S.B. NO. 3239

A Bill for an Act Relating to Insurance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 431:10A-301, Hawaii Revised Statutes, is amended to read as follows:

"**§431:10A-301 Definitions.** For the purposes of this part:
[(1) Applicant] "Applicant" means:
[(A)] (1) In the case of an individual medicare supplement policy or subscriber contract, the person who seeks to contract for insurance benefits, and
[(B)] (2) In the case of a group medicare supplement policy or subscriber contract, the proposed certificate holder.
[(2) Certificate] "Certificate" means[, for the purposes of this part,] any certificate issued under a group medicare supplement policy, which [policy] certificate has been delivered or issued for delivery in this State.
[(3) Medicare] "Medicare supplement [policy] policy" means a group or individual policy of [disability] accident and sickness insurance or a subscriber contract of a nonprofit medical indemnity or hospital service association or health maintenance organization which is advertised, marketed, or designed primarily as a supplement to reimbursements under medicare for the hospital, medical, or surgical expenses of persons eligible for medicare by reason of age. [The term does not include:
(A) A policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more

employers or labor organizations, or combination thereof, for employees or former employees, or combination thereof, or for members or former members, or combination thereof, of the labor organizations,

(B) A policy or contract of any professional, trade, or occupational association for its members or former or retired members, or combination thereof, if such association

(i) is composed of individuals all of whom are actively engaged in the same profession, trade or occupation,

(ii) has been maintained in good faith for purposes other than obtaining insurance, and

(iii) has been in existence for at least two years prior to the date of its initial offering of such policy or plan to its members, or

(C) Individual policies or contracts issued pursuant to a conversion privilege under a policy or contract of group or individual insurance when such group or individual policy or contract includes provisions which are inconsistent with the requirements of this part or rule adopted thereunder, or issued to employees or members as additions to franchise plans in existence on the effective date of the applicable rule]

[(4) Medicare] "Medicare" means the Health Insurance for the Aged Act, Title XVIII of the Social Security [Act, as amended] Amendments of 1965, as then constituted or later amended "

SECTION 2 Section 431 10A-302, Hawaii Revised Statutes, is amended to read as follows

"**§431:10A-302 Applicability|.| and scope.** (a) Notwithstanding anything to the contrary contained in this part, this part shall apply to

(1) A medicare supplement policy issued and delivered to a person domiciled in this State,

(2) A medicare supplement policy issued and delivered to a person not domiciled in this State but pursuant to which a certificate is issued and delivered to a person domiciled in this State, and

(3) Any certificate delivered to a person domiciled in this State which is issued pursuant to a medicare supplement policy

(b) This part shall not apply to

(1) A policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or combination thereof, or for members or former members, or combination thereof, of the labor organizations,

(2) A policy or contract of any professional, trade, or occupational association for its members or former or retired members, or combination thereof, if such association

(A) Is composed of individuals all of whom are actively engaged in the same profession, trade, or occupation,

(B) Has been maintained in good faith for purposes other than obtaining insurance, and

(C) Has been in existence for at least two years prior to the date of its initial offering of such policy or plan to its members, or

(3) Individual policies or contracts issued pursuant to a conversion privilege under a policy or contract of group or individual insurance

when the group or individual policy or contract includes provisions which are inconsistent with the requirements of this part or rules adopted thereunder, or issued to employees or members as additions to franchise plans in existence on the effective date of the applicable rules.

(c) The commissioner shall have all rights and powers with respect to the group or master policy and certificate issued pursuant to the medicare supplement policy as if the group or master policy was issued and delivered to a person domiciled in this State.

(d) This part shall not apply to insurance policies or health care plans issued to medicare eligible persons that are not marketed or held to be medicare supplement policies or benefit plans."

SECTION 3. Section 431:10A-304, Hawaii Revised Statutes, is amended to read as follows:

"**§431:10A-304 Standards for policy provisions.** (a)[1] No medicare supplement insurance policy, contract, or certificate in force in the State shall contain benefits which duplicate benefits provided by medicare.

[(a)] (b) The commissioner shall issue reasonable rules to establish specific standards for the provisions of medicare supplement policies[. Such] and certificates. The standards shall be in addition to and in accordance with applicable laws of this State, including the provisions of part I of this article[, and may cover, but shall not be limited to:]. No requirement of this chapter relating to minimum required policy benefits, other than the minimum standards contained in this part, shall apply to medicare supplement policies. The standards may cover, but shall not be limited to:

(1) Terms of renewability;
(2) Initial and subsequent conditions of eligibility;
(3) Nonduplication of coverage;
(4) Probationary periods;
(5) Benefit limitations, exceptions, and reductions;
(6) Elimination periods;
(7) Requirements for replacement;
(8) Recurrent conditions; and
(9) Definition of terms.

[(b)] (c) The commissioner may issue reasonable rules that specify prohibited policy provisions not otherwise specifically authorized by law, which, in the opinion of the commissioner, are unjust, unfair, or unfairly discriminatory to any person insured or proposed for coverage under any medicare supplement policy.

[(c)] (d) A medicare supplement policy shall not deny a claim for losses incurred more than six months after the effective date of coverage for a preexisting condition. The policy shall not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of coverage."

SECTION 4. Section 431:10A-305, Hawaii Revised Statutes, is amended to read as follows:

"**§431:10A-305 [Minimum standards for benefits and claims payment.] Rules.** The commissioner shall issue reasonable rules to establish minimum standards for benefits and claims payment under medicare supplement policies.

The commissioner may also issue rules to establish standards for marketing practices, compensation arrangements, and reporting practices for medicare supplement policies."

SECTION 5. Section 431:10A-306, Hawaii Revised Statutes, is amended to read as follows:

"**§431:10A-306 Loss ratio standards.** [(a)] Medicare supplement policies shall [be expected to] return to policyholders benefits which are reasonable in relation to the premium charged. The commissioner shall issue reasonable rules to establish minimum standards for loss ratios of medicare supplement policies on the basis of incurred claims experience, or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis, and earned premiums [for the entire period for which rates are computed to provide coverage and] in accordance with accepted actuarial principles and practices. For the purposes of rules issued under this section, medicare supplement policies issued as a result of solicitations of individuals through the mail or mass media advertising, including both print and broadcast advertising, shall be regarded as individual policies.

[(b) No entity shall provide compensation to its agents or other producers which is greater than the renewal compensation which would have been paid on an existing medicare supplement policy if the existing policy is replaced by another medicare supplement policy with the same company where the new policy benefits are substantially similar to the benefits under the old medicare supplement policy and the old policy was issued by the same insurer or insurer group.]"

SECTION 6. Section 431:10A-307, Hawaii Revised Statutes, is amended to read as follows:

"**§431:10A-307 Disclosure standards.** (a) In order to provide for full and fair disclosure in the sale of medicare supplement policies, no medicare supplement policy or certificate shall be delivered or issued for delivery in this State [and no certificate shall be delivered pursuant to a group medical supplement policy delivered or issued for delivery in this State] unless an outline of coverage is delivered to the applicant at or prior to the time application is made.

(b) The commissioner shall prescribe the format and content of the outline of coverage required by subsection (a). For the purposes of this section, format means style, arrangement and overall appearance, including such items as the size, color, prominence of type, and the arrangement of text and captions. [Such] The outline of coverage shall include:

(1) A description of the principal benefits and coverage provided in the policy;
(2) A statement of the exceptions, reductions, and limitations contained in the policy;
(3) A statement of the renewal provisions including any reservation by the insurer of a right to change premiums; and
(4) A statement that the outline of coverage is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions.

(c) The commissioner [shall] may prescribe[,] by rule[,] a standard form and contents of an informational brochure for persons eligible for medicare by reason of age which is intended to improve the buyer's ability to select the most appropriate coverage and improve the buyer's understanding of medicare.

Except in the case of direct response insurance policies, the commissioner may require[,] by rule[,] that the informational brochure be provided to any prospective insureds eligible for medicare [by reason of age] concurrently with delivery of the outline of coverage. With respect to direct response insurance policies, the commissioner may require[,] by rule[,] that the prescribed brochure be provided upon request to any prospective insureds eligible for medicare by reason of age, but in no event later than the time of policy delivery.

(d) The commissioner may adopt reasonable rules for captions or notice requirements, determined to be in the public interest and designed to inform prospective insureds that particular insurance coverages are not medicare supplement coverages, for all [disability] accident and sickness insurance policies and subscriber contracts sold to persons eligible for medicare by reason of age, other than:

(1) Medicare supplement policies [or subscriber contracts];
(2) Disability income policies;
(3) Basic, catastrophic, or major medical expense policies [or subscriber contracts]; or
(4) Single premium, nonrenewable policies [or subscriber contracts; or
(5) Other policies or subscriber contracts defined in section 431:10A-301].

(e) The commissioner may further adopt reasonable rules to govern the full and fair disclosure of information in connection with the replacement of [disability] accident and sickness insurance policies, subscriber contracts, or certificates by persons eligible for medicare by reason of age."

SECTION 7. Section 431:10A-308, Hawaii Revised Statutes, is amended to read as follows:

"**§431:10A-308 Notice of free examination.** Medicare supplement policies or certificates shall have a notice prominently printed on the first page of the policy or certificate or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within thirty days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the applicant is not satisfied for any reason. Any refund made pursuant to this section shall be paid directly to the applicant by the insurer in a timely manner."

SECTION 8. Section 431:10A-309, Hawaii Revised Statutes, is amended to read as follows:

"**§431:10A-309 [Approval] Filings; approval of forms.** (a) No medicare supplement policy or certificate [under a group medicare supplement policy that is subject to this part] shall be delivered or issued for delivery in this State[,] after the date specified in rules adopted by the commissioner[, unless the minimum standards of such rules are met or exceeded with regard to it, or] unless the form of such policy is [an] approved [form] in accordance with this section.

(b) [The] Every insurer providing medicare supplement insurance benefits to a resident of this State shall [submit each such] file with the commissioner a copy of the policy [form] and [group certificate form,] any certificate used in this State, including [the form] copies of any riders or endorsements of applications which may be attached to or made a part of [such form, and the schedule of premium rates to the commissioner.] the policy. The commissioner may require a certification from the insurer that, to the best of the certifier's knowledge and belief, [such form meets the requirements of such rules] the filing complies with

the minimum standards established in the rules and [of] all applicable Hawaii laws and rules

(c) Every entity providing medicare supplement policies or certificates in this State shall file annually its rates, rating schedule, and supporting documentation demonstrating that it is in compliance with the applicable loss ratio standards of this State. The commissioner may [also] require the insurer to submit a certification by a qualified actuary that the premium rates, to the best of the actuary's knowledge and belief, are in accordance with the loss ratio standards adopted by rule under section 431 10A-306

[(c)] (d) The commissioner may disapprove any [such form] policy or certificate or withdraw approval of a previously approved [form] policy or certificate if the commissioner finds that

(1) It is not in accordance with applicable laws and rules in any respect,
(2) It is or it contains provisions which are misleading, deceptive, inconsistent, or ambiguous, or
(3) The benefits are unreasonable in relation to the premium charge

[(d)] (e) A policy [form] or certificate shall be deemed approved if

(1) It is in accordance with all applicable laws and rules,
(2) It has not been disapproved earlier than sixty-one days after the date of [submission,] filings,
(3) It fully meets all [submission] filing requirements, and
(4) It is received by the commissioner

[(e)] (f) The commissioner shall promptly give written notice to the insurer of the commissioner s approval of a policy [form] or certificate or, if a [form] policy or certificate is disapproved or approval is withdrawn, of such disapproval or withdrawal together with the reasons for it and of the procedure by which the insurer may request and be granted a hearing on the merits of such action

[(f)] (g) The commissioner[,] by rule[,] may establish requirements and procedures for medicare supplement [policy form submission] filings. "

SECTION 9 Section 431 10A-310, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows

(a) Every insurer, nonprofit medical indemnity or hospital service association, health maintenance organization or other entity providing medicare supplement insurance or benefits in this State [upon reasonable request from the commissioner] shall [provide] file a copy of any medicare supplement advertisement intended for use in this State whether through written, radio, or television medium to the commissioner for review. The commissioner may require a certification from the entity that to the best of the certifier's knowledge and belief the advertisement complies with the provisions of this chapter and all applicable rules."

SECTION 10 Section 431 10A-303, Hawaii Revised Statutes, is repealed

SECTION 11 Statutory material to be repealed is bracketed. New statutory material is underscored."

SECTION 12 This Act shall take effect upon its approval

(Approved May 23 1990)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.

ACT 85 S.B. NO. 2587

A Bill for an Act Relating to a Newborn Hearing Screening Program for the Early Identification of Hearing Loss.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Deafness in infants is a serious concern because it interferes with the acquisition and development of language skills which develop rapidly in the first few months of life. Research studies have demonstrated that early intervention with hearing-impaired children results in improved language development and increased academic success and lifetime earnings. Hearing-impaired children who receive early help require less costly special education services later in life.

The average age at which profoundly deaf children in the United States are identified is two and one-half years of age, although to be effective, early intervention with deaf children should begin before the child's first birthday. State department of health data suggest that the average age of identification of hearing loss may be as late as four years of age in Hawaii. Parents, physicians, and state agencies must work together to do a better job of early identification of hearing loss.

The purpose of this Act is to provide a statewide comprehensive and coordinated interdisciplinary program of early hearing impairment screening, identification, and follow-up for children, from birth to thirty-six months of age, and their families. This Act will assure screening of all newborns for hearing impairment. This program will obtain, with the cooperation of birthing facilities, pertinent information regarding children identified with hearing impairment for the purposes of tracking, monitoring, and assessing appropriate intervention strategies for optimal health and educational benefits for the child and the child's family. It is intended that the department of health develop the infant hearing screening program, to be incorporated into the early intervention activities of the department in compliance with the Education of the Handicapped Act Amendments of 1986.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $142,430, or 0.0056 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER
STATEWIDE NEWBORN HEARING SCREENING PROGRAM

§ **-1 Definitions.** As used in this chapter, unless the context clearly indicates otherwise

"Department" means the department of health

"Hearing impaired infant" means an infant who has an impairment that is a dysfunction of the auditory system of any type or degree sufficient to interfere with the acquisition and development of speech and language skills

"Infant" means a child from birth to thirty-six months of age.

"Management" means the habilitation of the hearing-impaired infant

"Screening" means a test or battery of tests administered to determine the need for a professional examination

§ **-2 Duties.** It shall be the duty and responsibility of the department to

(1) Develop a methodology to establish, implement, and evaluate a statewide program for early identification of, and intervention for, hearing impairment in infants,

(2) Develop guidelines for the screening, identification, diagnosis, and monitoring of infants with hearing impairment and infants at risk for delayed onset of hearing impairment,

(3) Develop a plan in conjunction with the department of education's statewide center for students with hearing or visual impairments to involve the parents or guardians with the medical and educational follow-up and management of infants who have been identified as hearing impaired or at risk of delayed onset of hearing impairments, and

(4) Develop a plan for the collection of data and evaluation of the program in relation to the duties and responsibilities of the department

§ **-3 Rules.** The department shall adopt rules, pursuant to chapter 91, necessary for the purposes of this chapter "

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of $142,430, or so much thereof as may be necessary for fiscal year 1990-1991, to carry out the purposes of this Act

SECTION 5 The sum appropriated shall be expended by the department of health for the purposes of this Act

SECTION 6 This Act shall take effect on July 1, 1990

(Approved May 24 1990)

ACT 86 H.B. NO. 2919

A Bill for an Act Relating to Planning and Community Development.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $1,000,000, or .039 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 2. Section 3 of Act 355, Session Laws of Hawaii 1987, is amended to read as follows:

"SECTION 3. The area of the Kakaako Community development district which is within the Kakaako Waterfront Park Boundary on the Park Boundary Map in the Kakaako Waterfront Park Study, prepared by the Hawaii Community Development Authority in 1981, shall only be developed as a park. The Hawaii Community Development Authority may amend the park boundary; provided that: (1) the amended boundary is consistent with the Makai Area Plan of the Kakaako Community Development District adopted by the Hawaii Community Development Authority on February 7, 1990; (2) the park land area within the amended boundary shall be at least equal in size to the original park land area established by the Park Boundary Map in the aforementioned Kakaako Waterfront Park Study; (3) ocean frontage shall not be diminished and no park land makai of the proposed canal between Ilalo and Olomehani/Kelikoi Streets and Ewa of Ahui Street as designated in Figure 5 of the Makai Area Plan of the Kakaako Community Development District adopted by the Hawaii Community Development Authority on February 7, 1990 shall be effected by any such boundary amendment."

SECTION 3. Without regard to Chapter 171, the Legislature hereby conveys to the Hawaii Community Development Authority title to all fast and submerged lands owned by the State within that portion of the Kakaako Community Development District, as established by section 206E-32, bounded by Ala Moana Boulevard, inclusive, from its intersection with the Ewa boundary of Ala Moana Park also identified as the Ewa boundary of tax map key 2-3-37:01; the Ewa boundary of tax map key 2-3-37:01 from its intersection with Ala Moana Boulevard to the shoreline; west along the shoreline from its intersection with the property line representing the Ewa boundary of property identified by tax map key 2-3-37:01 to the southwestern tip of the Kewalo Peninsula; southwest from the southwestern tip of the Kewalo Peninsula across the Kewalo Channel to the southeastern tip of the Kakaako Peninsula; along the shoreline from the southeastern tip of the Kakaako Peninsula to the property line between Pier 2 and Pier 4; the property line between Pier 2 and Pier 4 from its intersection with the shoreline to Ala Moana Boulevard; and Ala Moana Boulevard, inclusive from its intersection with the property line between lands identified by Pier 2 and Pier 4 to the Ewa boundary of the Ala Moana Park. The area shall also include that parcel of land identified by tax map key 2-1-14:16, situated mauka

of Pier 6 and Pier 7 and makai of Nimitz Highway, being the site for the existing Hawaiian Electric power plant and related facilities.

In order to effectuate the foregoing conveyance, the authority shall ensure due and adequate satisfaction of provisions for any covenant between the State or any county or any department or board thereof and the holders of bonds issued by the State or such county, department, or board, if any.

SECTION 4. Section 206E-32, Hawaii Revised Statutes, is amended to read as follows:

"**§206E-32 District; established, boundaries.** The Kakaako community development district is established. The district shall include that area bounded by King Street; Piikoi Street from its intersection with King Street to Ala Moana Boulevard; Ala Moana Boulevard, inclusive, from Piikoi Street to its intersection with the Ewa boundary of Ala Moana Park also identified as the Ewa boundary of tax map key 2-3-37:01; the Ewa boundary of tax map key 2-3-37:01 from its intersection with Ala Moana Boulevard to the shoreline; the shoreline from its intersection with the property line representing the Ewa boundary of property identified by tax map key 2-3-37:01 to the property line between Pier 2 and Pier 4; the property line between Pier 2 and Pier 4 from its intersection with the shoreline to Ala Moana Boulevard; Ala Moana Boulevard from its intersection with the property line between lands identified by Pier 2 and Pier 4 to Punchbowl Street; and Punchbowl Street to its intersection with King Street.

The district shall also include [all fast and submerged lands bounded by Nimitz Highway beginning at the Diamond Head termination of the Nimitz Highway-Irwin Park boundary along Nimitz Highway to its intersection with the Diamond Head boundary of Pier 4; along Pier 4; from the makai end of Pier 4 to the intersection of Piers 8 and 9; along Pier 8; from the mauka end of Pier 8 to the Diamond Head boundary of Irwin Park; continuing to the point of the Diamond Head termination of the Nimitz Highway-Irwin Park boundary.] that parcel of land identified by tax map key 2-1-14:16, situated mauka of Pier 6 and Pier 7 and makai of Nimitz Highway, being the site for the existing Hawaiian Electric power plant and related facilities."

SECTION 5. Chapter 206E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§206E- Developments within special management areas and shoreline setback.** (a) Notwithstanding chapter 205A, all requests for developments within a special management area and shoreline setback variances for developments on any lands within a community development district shall be submitted to and reviewed by the lead agency as defined in chapter 205A.

(b) In the review of such requests, the lead agency shall conform to the following, as deemed appropriate:

(1) Applicable county rules adopted in accordance with section 205A-26 for the review of developments within a special management area, except that paragraph (2)(C) of section 205A-26 shall not apply; and

(2) Part III of chapter 205A and applicable county rules for the review of developments within the shoreline setback.

(c) With the approval of the lead agency, the developments may be allowed without a special management area permit or shoreline setback variance as required by chapter 205A."

SECTION 6. Section 206E-4, Hawaii Revised Statutes, is amended to read as follows:

"**[|§206E-4|] Powers; generally.** Except as otherwise limited by this chapter, the authority may:

(1) Sue and be sued;
(2) Have a seal and alter the same at pleasure;
(3) Make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;
(4) Make and alter bylaws for its organization and internal management;
(5) Make rules with respect to its projects, operations, properties, and facilities, which rules shall be in conformance with chapter 91;
(6) Through its executive director appoint officers, agents, and employees, prescribe their duties and qualifications, and fix their salaries, without regard to chapters 76 and 77;
(7) Prepare or cause to be prepared[,] a community development plan for all designated community development districts;
(8) Acquire, reacquire, or contract to acquire or reacquire by grant or purchase[,] real, personal, or mixed property or any interest therein; to own, hold, clear, improve, and rehabilitate, and to sell, assign, exchange, transfer, convey, lease, or otherwise dispose of[,] or encumber the same;
(9) Acquire or reacquire by condemnation[,] real, personal, or mixed property or any interest therein for public facilities, including but not limited to streets, sidewalks, parks, schools, and other public improvements;
(10) By itself, or in partnership with qualified persons, acquire, reacquire, construct, reconstruct, rehabilitate, improve, alter, or repair or provide for the construction, reconstruction, improvement, alteration, or repair of any project; own, hold, sell, assign, transfer, convey, exchange, lease, or otherwise dispose of[,] or encumber any project, and in the case of the sale of any project, accept a purchase money mortgage in connection therewith; and repurchase or otherwise acquire any project which the authority has theretofore sold[,] or otherwise conveyed, transferred, or disposed of;
(11) Arrange or contract for the planning, replanning, opening, grading, or closing of streets, roads, roadways, alleys, or other places, or for the furnishing of facilities or for the acquisition of property or property rights or for the furnishing of property or services in connection with a project;
(12) Grant options to purchase any project or to renew any lease entered into by it in connection with any of its projects, on such terms and conditions as it deems advisable;
(13) Prepare or cause to be prepared plans, specifications, designs, and estimates of costs for the construction, reconstruction, rehabilitation, improvement, alteration, or repair of any project, and from time to time to modify such plans, specifications, designs, or estimates;
(14) Provide advisory, consultative, training, and educational services, technical assistance, and advice to any person, partnership, or corporation, either public or private, in order to carry out the purposes

of this chapter, and engage the services of consultants on a contractual basis for rendering professional and technical assistance and advice,

(15) Procure insurance against any loss in connection with its property and other assets and operations in such amounts and from such insurers as it deems desirable,

(16) Contract for and accept gifts or grants in any form from any public agency[,] or from any other source,

(17) Do any and all things necessary to carry out its purposes and exercise the powers given and granted in this chapter[ ], and

(18) Allow satisfaction of any affordable housing requirements imposed by the authority upon any proposed development project through the construction of reserved housing, as defined in section 206E-101, by a person on land located outside the geographic boundaries of the authority's jurisdiction. Such substituted housing shall be located on the same island as the development project and shall be substantially equal in value to the required reserved housing units that were to be developed on site. The authority shall establish the following priority in the development of reserved housing:

(1) Within the community development district,

(2) Within areas immediately surrounding the community development district,

(3) Areas within the central urban core,

(4) In outlying areas within the same island as the development project.

The Hawaii community development authority shall adopt rules relating to the approval of reserved housing that are developed outside of a community development district. The rules shall include, but are not limited to, the establishment of guidelines to ensure compliance with the above priorities."

SECTION 7. Section 206E-15, Hawaii Revised Statutes, is amended to read as follows:

"**§206E-15 Residential projects; cooperative agreements.** (a) If the authority deems it desirable to develop a residential project, it may enter into an agreement with qualified persons to construct, maintain, operate, or otherwise dispose of the residential project. Sale, lease, or rental of dwelling units in the project shall be as provided by the rules established by the authority. The authority may enter into cooperative agreements with the Hawaii housing authority and the housing finance and development corporation for the financing, development, construction, sale, lease, or rental of dwelling units and projects.

(b) The authority may transfer the housing fees collected from private residential developments for the provision of housing for residents of low- or moderate-income to the housing finance and development corporation for the financing, development, construction, sale, lease, or rental of such housing within or without the community development districts. The fees shall be used only for projects owned by the State or owned or developed by a qualified nonprofit organization. For the purposes of this section, "nonprofit organization" means a corporation, association, or other duly chartered organization registered with the State, which organization has received charitable status under the Internal Revenue Code of 1986, as amended."

SECTION 8. Section 206E-33, Hawaii Revised Statutes, is amended to read as follows:

"**§206E-33 Kakaako community development district; development guidance policies.** The following shall be the development guidance policies generally governing the authority's action in the Kakaako community development district:

(1) Development shall result in a community which permits an appropriate land mixture of residential, commercial, industrial, and other uses. In view of the innovative nature of the mixed use approach, urban design policies should be established to provide guidelines for the public and private sectors in the proper development of this district: while the authority's development responsibilities apply only to the area within the district, the authority may engage in any studies or coordinative activities permitted in this chapter which affect areas lying outside the district, where the authority in its discretion decides that those activities are necessary to implement the intent of this chapter. The studies or coordinative activities shall be limited to facility systems, resident and industrial relocation, and other activities with the counties and appropriate state agencies. The authority may engage in construction activities outside of the district; provided that such construction relates to infrastructure development or residential or business relocation activities; provided [futher,] further, notwithstanding section 206E-7, that such construction shall comply with the general plan, development plan, ordinances, and rules of the county in which the district is located;
(2) Existing and future industrial uses shall be permitted and encouraged in appropriate locations within the district. No plan or implementation strategy shall prevent continued activity or redevelopment of industrial and commercial uses which meet reasonable performance standards;
(3) Activities shall be located so as to provide primary reliance on public transportation and pedestrian facilities for internal circulation within the district or designated subareas;
(4) Major view planes, view corridors, and other environmental elements such as natural light and prevailing winds, shall be preserved through necessary regulation and design review;
(5) Redevelopment of the district shall be compatible with plans and special districts established for the Hawaii Capital District, and other areas surrounding the Kakaako district;
(6) Historic sites and culturally significant facilities, settings, or locations shall be preserved;
(7) Land use activities within the district, where compatible, shall to the greatest possible extent be mixed horizontally, that is, within blocks or other land areas, and vertically, as integral units of multi-purpose structures;
(8) Residential development [shall ensure] may require a mixture of densities, building types, and configurations in accordance with appropriate urban design guidelines; integration both vertically and horizontally of residents of varying incomes, ages, and family groups; and an increased supply of housing for residents of low- or moderate-income [shall] may be required as a condition of redevelopment in residential use. Residential development shall provide necessary community facilities, such as open space, parks, commu-

nity meeting places, child care centers, and other services, within and adjacent to residential development,

(9) Public facilities within the district shall be planned, located, and developed so as to support the redevelopment policies for the district established by this chapter and plans and rules adopted pursuant to it."

SECTION 9 The Hawaii community development authority shall adopt rules relating to the provision of loans to assist in the re-establishment and continuance of displaced small businesses in Kakaako The rules shall include, but not limited to, the following

(1) Qualifications for eligibility of applicants for loans,
(2) Preferences and priorities in determining eligibility for loans,
(3) Conditions and requirements for the granting of a loan,
(4) Restrictions on the terms, maturities, interest rates, and security and collateral requirements, and
(5) Other requirements necessary to carry out the purposes of this Act

SECTION 10 Section 206E-10 5, Hawaii Revised Statutes, is amended to read as follows

"**§206E-10.5 Relocation.** (a) Any provision of law to the contrary notwithstanding, the authority shall adopt rules pursuant to chapter 91 to insure the appropriate relocation within or outside the district of persons, families, and businesses displaced by governmental action within the district The rules may include, but are not limited to, the establishment and operation of a central relocation office, relocation payments for actual moving costs, fixed payments for losses suffered, payments for replacement housing or business locations, relocation payments and loans to displaced businesses for certain costs related to the re-establishment of their business operations, and other similar relocation matters

(b) The authority shall provide relocation assistance to persons, families, and businesses within the district that are displaced by private action, provided [that displacement is a direct result of a development approved by the authority, and] that such assistance shall not include any form of direct monetary payments[ ] except that the authority may make relocation loans to displaced businesses in accordance with rules adopted by the authority for the purposes of this section Temporary relocation facilities within or outside the district may be made available to displacees, provided that those displaced by government action [are] shall be afforded priority to [such] the facilities"

SECTION 11 There is appropriated out of the general revenues of the State of Hawaii the sum of $1,000,000, or so much thereof as may be necessary for fiscal year 1990-1991, to be deposited into the Hawaii community development authority revolving fund created by section 206E-16, Hawaii Revised Statutes, for the purposes of Sections 9 and 10 of this Act

SECTION 12 Section 171-2, Hawaii Revised Statutes, is amended to read as follows

"**§171-2 Definition of public lands.** "Public lands" means all lands or interest therein in the State classed as government or crown lands previous to August 15, 1895, or acquired or reserved by the government upon or subsequent to that date by purchase, exchange, escheat, or the exercise of the right of

eminent domain, or in any other manner; including submerged lands, and lands beneath tidal waters which are suitable for reclamation, together with reclaimed lands which have been given the status of public lands under this chapter, except:

(1) Lands designated in section 203 of the Hawaiian Homes Commission Act, 1920, as amended;
(2) Lands set aside pursuant to law for the use of the United States;
(3) Lands being used for roads and streets;
(4) Lands to which the United States relinquished the absolute fee and ownership under section 91 of the Hawaiian Organic Act prior to the admission of Hawaii as a state of the United States unless subsequently placed under the control of the board of land and natural resources and given the status of public lands in accordance with the State Constitution, the Hawaiian Homes Commission Act, 1920, as amended, or other laws;
(5) Lands to which the University of Hawaii holds title;
(6) Lands to which the Hawaii housing authority in its corporate capacity holds title;
(7) Lands to which the Hawaii community development authority in its corporate capacity holds title;
(8) Lands to which the housing finance and development corporation in its corporate capacity holds title; [and]
(9) Lands to which the department of agriculture holds title by way of foreclosure, voluntary surrender, or otherwise, to recover moneys loaned[.]; and
(10) Lands which are set aside by the governor to the Aloha Tower development corporation; lands leased to the Aloha Tower development corporation by any department or agency of the State; or lands to which the Aloha Tower development corporation holds title in its corporate capacity."

SECTION 13. Section 206J-3, Hawaii Revised Statutes, is amended to read as follows:

"**§206J-3 Aloha Tower complex; designated boundaries.** The Aloha Tower complex is established. The complex shall include the area bounded by Nimitz Highway beginning at its intersection with the Diamond Head boundary of tax map key 2-1-13:7 north along Nimitz Highway to its intersection with the makai boundary of tax map key 1-7-1:6; northeast along River Street to its intersection with King Street; north along King Street to its intersection with Iwilei Road west along Iwilei Road to its intersection with Nimitz Highway at the Ewa makai corner of tax map key 1-5-08:1; south along Nimitz Highway to its intersection with the boundary between tax map key 1-5-8:1[;] and tax map key 1-5-8:9; west along a line to the Diamond Head mauka corner of tax map key 1-5-40:4; west along Nimitz Highway to its intersection with the Ewa boundary of tax map key 1-5-38:4; south along the Ewa boundaries of tax map key 1-5-38:4 and 1-5-38:5 to Honolulu Harbor; east along the waterfront boundary of tax map key 1-5-38:5 to Pier 23; south along Pier 23 to the southwest end of Pier 22; continuing along a line in the same direction to its intersection with the Honolulu Harbor Federal Project Line; northeast along the Honolulu Harbor Federal Project Line to a point in Honolulu Harbor 475 feet perpendicular to Pier 11; southwest along a line parallel to Piers 10 and 11 to its intersection with a line extending from the southwest end of Pier 22 to the point of intersection of the Honolulu Harbor Federal Project Line and a line extending along Pier 8 into Honolulu Harbor; southeast along a line to the point of intersection of the Honolulu Federal

Project Line and a line extending along Pier 8 into Honolulu Harbor, [northeast along Pier 8, from the mauka end of Pier 8] southeast along the Honolulu Harbor Federal Project Line to its intersection with a line extending along Pier 4 into Honolulu Harbor, east along a line from that intersection and along Pier 4 to its intersection with Nimitz Highway, north along Nimitz Highway to its intersection with Richards Street, southwest along Richards Street to its intersection with Ala Moana Boulevard, northwest along Ala Moana Boulevard to its intersection with the Ewa boundary of tax map key 2-1-14.6, northeast along the Ewa boundary of tax map key 2-1-14:6 to its Ewa mauka corner; and northwest across Bishop Street to the point of beginning at the intersection of the Diamond Head boundary of tax map key 2-1-13 7 and Nimitz Highway The complex shall also include the area bounded by Iwilei Road beginning with its intersection with Nimitz Highway, west along Iwilei Road to its intersection with Pacific Street; southeast along Pacific Street to its intersection with the Ewa mauka corner of tax map key 1-5-38.4, east along Nimitz Highway to its intersection with the Diamond Head mauka corner of tax map key 1-50-40.4, east along a line to the point of intersection at the boundary between tax map key 1-5-8:1 and tax map key 1-5-8 9, north along Nimitz Highway to the point of beginning at the intersection of Nimitz Highway and Iwilei Road. All fast and submerged lands contained within [this area] these areas shall also be included "

SECTION 14 Section 206J-8, Hawaii Revised Statutes, is amended to read as follows

"**§206J-8 Use of public lands.** [The] Without regard to chapter 171, the governor may set aside or any department or agency of the State may lease applicable portions of the area designated as the Aloha Tower complex to the development corporation for the purpose specified in this chapter; provided that such setting aside would not impair any covenant between the State or any department or board thereof and holders of revenue bonds issued by the State or such department or board, or the development corporation may lease applicable portions of the Aloha Tower complex from the department of transportation. The development corporation shall annually reimburse to the department of transportation any losses in revenues caused by any action of the development corporation The development corporation shall provide replacement facilities for maritime activities at no cost to the department of transportation "

SECTION 15 Section 206J-11, Hawaii Revised Statutes, is amended to read as follows

"**§206J-11 Lease of projects.** The development corporation may lease without public auction, for a term not exceeding sixty-five years, all or any portion of the real, personal, or mixed property constituting a project under its jurisdiction as provided herein to any qualified person, upon such terms and conditions as may be approved by the board, if the board finds that the lease [is in conformity] conforms with the development plan for the Aloha Tower complex Notwithstanding any other provision to the contrary, the development corporation shall establish requirements and conditions relating to the terms of lease and the qualifications of any person to [draw or bid] apply for [the] such lease "

SECTION 16 If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the

invalid provisions or applications, and to this end the provisions of this Act are severable.

SECTION 17. Statutory material to be repealed is bracketed. New statutory material is underscored.[1]

SECTION 18. Section 5 of this Act shall automatically be repealed on June 30, 2000, provided that after June 30, 1995, the Legislature may repeal Section 5 upon adoption of a concurrent resolution.

SECTION 19. This Act shall take effect upon approval.

(Approved May 24, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 87 H.B. NO. 2477

A Bill for an Act Relating to the Payment for Goods and Services.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 103-10, Hawaii Revised Statutes, is amended to read as follows:

"**§103-10 Payment for goods and services.** (a) Any person who renders a proper statement for goods delivered or services performed, pursuant to contract, to any agency of the State or any county, shall be paid no later than thirty calendar days following receipt of the statement or satisfactory delivery of the goods or performance of the services. In the event circumstances prevent the paying agency from complying with this section, the person shall be entitled to interest from the paying agency on the principal amount remaining unpaid at the effective rate of twelve per cent simple interest per year commencing on the thirtieth day following receipt of the statement or satisfactory delivery of the goods or performance of the services, whichever is later, and ending on the date of the warrant.

(b) This section shall not apply in those cases where delay in payment is due to: [a]

(1) A bona fide dispute between the State or any county and the contractor concerning the services or goods contracted for; [a]
(2) A labor dispute; [a]
(3) A power or mechanical failure; [fire; acts]
(4) Fire;
(5) Acts of God; or [any]
(6) Any similar circumstances beyond the control of the State or any county.

Where the time of payment is contingent upon the receipt of federal funds, or federal approval, the solicitation of bids for contracts shall clearly state that payment is contingent upon [such] those conditions. If the solicitation for bids contains the warning and a contract is awarded in response to the solicitation then interest [will] shall not begin to accrue upon any unpaid voucher until the thirtieth day following receipt by the State of the contractor's statement or the

thirtieth day following receipt of the federal funds or approval, whichever occurs later, and [will] shall end as of the date of the warrant

(c) All payments for goods delivered or services performed to a state agency which are less than [$100] $25 shall be made from the petty cash funds of the agency, provided that the comptroller may establish a higher threshold for petty cash payments and may grant exceptions to this requirement "

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect on July 1, 1990

(Approved May 24 1990)

ACT 88 H B NO 2489

A Bill for an Act Relating to Employment Security

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 383-29, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows

"(a) An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that

(1) Claim The individual has made a claim for benefits with respect to [such] that week in accordance with [such] rules [as] the department may prescribe

(2) Registration The individual has registered for work at, and thereafter continued to report at, an employment office in accordance with [such] rules [as] the department may prescribe, except that the department [may], by rule, may waive or alter either or both of the requirements of this paragraph as to individuals attached to regular jobs and as to [such] other types of cases or situations with respect to which it finds that compliance with [such] those requirements would be oppressive, or would be inconsistent with the purpose of this chapter, provided that no such rule shall conflict with section 383-21

(3) Availability The individual is able to work and is available for work, provided that no claimant shall be considered ineligible with respect to any week of unemployment for failure to comply with this paragraph if [such] the failure is due to an illness or disability, as evidenced by a physician's certificate, which occurs during an uninterrupted period of unemployment with respect to which benefits are claimed and no work which would have been suitable prior to the beginning of [such] the illness and disability has been offered the claimant

(4) Waiting period The individual has been unemployed for a waiting period of one week within the individual's benefit year No week shall be counted as a waiting period

(A) If benefits have been paid with respect thereto,

(B) Unless the individual was eligible for benefits with respect thereto as provided in this section and section 383-30, except for the requirements of this paragraph.

(5) Wages for insured work; weeks of employment.

(A) In the case of an individual who has established a benefit year prior to January 3, 1965, the individual has been paid wages for insured work during the individual's base period in an amount equal to at least the amount appearing in column C of the schedule in section 383-22 on the line on which, in column B of the schedule, appears the individual's weekly benefit amount.

(B) In the case of an individual who has established a benefit year after January 2, 1965, but prior to January 2, 1966, the individual has had during the individual's base period a total of fourteen or more weeks of employment as defined in section 383-1 and has been paid wages for insured work during the individual's base period in an amount equal to at least the amount appearing in column C of the schedule in section 383-22 on the line on which, in column B of the schedule, appears the individual's weekly benefit amount.

(C) In the case of an individual whose benefit year begins on or after January 2, 1966, but prior to October 1, 1989, the individual has had during the individual's base period a total of fourteen or more weeks of employment as defined in section 383-1 and has been paid wages for insured work during the individual's base period in an amount equal to at least thirty times the individual's weekly benefit amount as determined under section 383-22(b). For the purposes of this subparagraph, wages for insured work shall include wages paid for services:

(i) Which were not employment, as defined in section 383-2 or pursuant to an election under section 383-77 prior to January 1, 1978, at any time during the one-year period ending December 31, 1975; and

(ii) Which are agricultural labor as defined in section 383-9 except [such] service excluded under section 383-7(1), or are domestic service except [such] service excluded under section 383-7(2); except to the extent that assistance under title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of [such] those services.

(D) In the case of an individual whose benefit year begins on and after October 1, 1989, the individual has been employed as defined in section 383-2 and has been paid wages for [such] insured work during the individual's base period in an amount equal to not less than thirty times the individual's weekly benefit amount, as determined under section 383-22(b), and the individual has been paid wages for insured work during at least two quarters of the individual's base period[.]; provided that no otherwise eligible individual who established a prior benefit year under this chapter or the unemployment compensation law of any other state, shall be eligible to receive benefits in a succeeding benefit year until, during the period following the beginning of the prior benefit year, that individ-

ual worked in covered employment for which wages were paid in an amount equal to at least five times the weekly benefit amount established for that individual in the succeeding benefit year

(E) For the purposes of this paragraph, wages and weeks of employment shall be counted for benefit purposes with respect to any benefit year only if [such] the benefit year begins subsequent to the dates on which the employing unit by which [such] the wages or other remuneration as provided in the definition of weeks of employment in section 383-1 were paid has satisfied the conditions of section 383-1 with respect to becoming an employer "

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved May 24, 1990)

ACT 89 H B NO 2787

A Bill for an Act Relating to the Issuance of Special Purpose Revenue Bonds to Assist Utilities Serving the General Public

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds and declares that the issuance of special purpose revenue bonds and refunding special purpose revenue bonds under this Act will assist the utilities providing electric service to the general public in obtaining lower interest rate bond financing for capital improvement projects, through the use of tax exempt special purpose revenue bonds and refunding bonds This savings in interest cost would be reflected in the electric rates established by the public utilities commission in rate case proceedings. Ratepayers pay for capital costs, including the cost of financing, as part of the rates set by the public utilities commission Therefore, the entire savings resulting from the reduction in capital costs will benefit the ratepayers. Furthermore, these bonds cannot be secured directly or indirectly by the general credit of the counties or the revenues or taxes of the State but rather solely by the utilities. Thus, the cost of financing necessary capital improvements can be decreased with no cost or risk to the State. For the foregoing reasons, the legislature finds and declares that the issuance under this Act of special purpose revenue bonds and refunding special purpose revenue bonds is in the public interest and for the public health, safety, and general welfare Hawaiian Electric Company, Inc., Hawaii Electric Light Company, Inc , and Maui Electric Company, Limited, are electric utilities serving the general public that qualify for special purpose revenue bonds pursuant to chapter 39A, part VI, Hawaii Revised Statutes

SECTION 2 Section 39A-211, Hawaii Revised Statutes, is amended to read as follows

"**§39A-211 Expiration.** No new special purpose revenue bonds shall be issued under this part after December 31,[1991.] 1995."

SECTION 3. The department of budget and finance is authorized to issue special purpose revenue bonds in one or more series in a total amount not to exceed $119,000,000 for the following capital improvement programs which are multi-project programs for the local furnishing of electric energy by electric utilities serving the general public;

Company	Amount of Authorization
Hawaiian Electric Company, Inc. (Oahu) Multi-project capital improvement program including the acquisition of land, power plant additions, transmission and distribution lines, substations, and other electric systems and facilities, or any combination thereof, for the financing of which special purpose revenue bonds will be issued during the period from July 1, 1990, through December 31, 1993	$60,000,000
Hawaii Electric Light Company, Inc. Multi-project capital improvement program, including the acquisition of land, generating facilities (including a new fossil fuel generating unit on the island of Hawaii), power plant additions, transmission and distribution lines, substations, and other electric systems and facilities, or any combination thereof, for the financing of which special purpose revenue bonds will be issued during the period from July 1, 1990, through December 31, 1993	$19,000,000
Maui Electric Company, Limited Multi-project capital improvement program, including the acquisition of land, generating facilities (including two new fossil fuel generating units on the island of Maui), power plant additions, transmission and distribution lines, substations, and other electric systems and facilities, or any combination thereof, for the financing of which special purpose revenue bonds will be issued during the period from July 1, 1990, through December 31, 1993	$40,000,000

provided that public utilities commission approval shall be required for any project financed by the issuance of special purpose revenue bonds under this Act, and provided further that, of the amount authorized in this section, none shall be used for nuclear fuel generating units

SECTION 4 The public utilities commission shall report annually to the legislature as to the progress under this Act in reducing financing costs of electric utilities, including the cost of the bonds at the time of issue as compared to the cost to the utility if the issue was made on other than under the revenue bond provision, the estimated benefits derived from the use of the special purpose revenue bonds, and a listing of the projects to be funded by the special purpose revenue bonds

SECTION 5 The department of budget and finance is authorized to issue from time to time, including times subsequent to December 31, 1993, refunding special purpose revenue bonds in whatever principal amounts the department shall determine to be necessary to refund the special purpose revenue bonds authorized in section 3, and any refunding special purpose revenue bonds authorized in this section, regardless of whether the outstanding special purpose revenue bonds or refunding special purpose revenue bonds have matured or are the subject of redemption, and the refunding special purpose revenue bonds shall be bonds for the multi-project programs described in section 3 In making this determination, the department shall comply with federal law relating to the exemption from federal income taxation of the interest on bonds of the nature authorized by this section

SECTION 6 The special purpose revenue bonds and the refunding special purpose revenue bonds issued under this Act shall be issued pursuant to chapter 39A, part VI, Hawaii Revised Statutes, relating to the power to issue special purpose revenue bonds and refunding special purpose revenue bonds to assist utilities serving the general public in providing electric energy.

SECTION 7 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 8 This Act shall take effect upon its approval

(Approved May 31, 1990)

ACT 90 H B NO 726

A Bill for an Act Relating to Public Lands

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 171-55, Hawaii Revised Statutes, is amended to read as follows

"**§171-55 Permits.** [The] Notwithstanding any other law to contrary, the board of land and natural resources may issue permits for the temporary occupancy of state lands or an interest therein on a month-to-month basis by direct negotiation without public auction, under [such] conditions and rent which will serve the best interests of the State, subject, however, to [such] those

restrictions as may from time to time be expressly [provided by law] imposed by the board [Such] A permit on a month-to-month basis may continue for a period not to exceed one year from the date of its issuance, provided that the board may allow the permit to continue on a month-to-month basis for additional one year periods "

SECTION 2 New statutory material is underscored [1]

SECTION 3 This Act shall take effect upon its approval

(Approved May 31 1990)

Note

1 So in original

ACT 91 H B NO 2602

A Bill for an Act Relating to Special Purpose Revenue Bonds for Health Care Facilities

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds and declares that the issuance of special purpose revenue bonds and refunding special purpose revenue bonds under this Act is in the public interest and for the public health safety and general welfare

SECTION 2 The department of budget and finance is authorized to issue special purpose revenue bonds in the sum of $13,320 000, or such portions thereof as may be necessary, to assist not-for-profit corporations that provide health care facilities to the general public to be used for financing or refinancing as follows

St Francis medical center & St Francis medical center-west
For construction renovation and equipment $13 320,000

The department of budget and finance shall not issue special purpose revenue bonds authorized in this section until such time that St Francis medical center and St Francis medical center-west has obtained a certificate of need approval from the state health planning and development agency and is otherwise in compliance with laws, ordinances and rules and regulations of the State or any political subdivision thereof, or any departments or boards thereof with respect to the construction operation, and maintenance of projects, compliance with health care planning laws or regulations, or zoning laws or regulations, obtaining of building permits, compliance with building and health codes and other laws, ordinances or rules and regulations of similar nature pertaining to the project

SECTION 3 The department of budget and finance is further authorized to issue from time to time refunding special purpose revenue bonds in such principal amounts as the department shall determine to be necessary to refund the special purpose revenue bonds authorized in Section 2 In making such determination, the department shall comply with federal law relating to the

exemption from federal income taxation of the interest on bonds of the nature authorized by this section

SECTION 4 The special purpose revenue bonds and refunding special purpose revenue bonds issued under this Act shall be issued pursuant to chapter 39A, part II, Hawaii Revised Statutes, relating to the power to issue special revenue bonds to assist not-for-profit corporations that provide health care facilities to the general public

SECTION 5 This Act shall take effect upon its approval

(Approved May 31 1990)

ACT 92 H B NO 2611

A Bill for an Act Relating to Family Court

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 352-9, Hawaii Revised Statutes, is amended to read as follows

"**§352-9 Period committed.** (a) All persons committed to the Hawaii youth correctional facilities shall be committed for the period of their minority or as otherwise ordered by the court Such persons may be placed on furlough or parole if deemed appropriate The power to discharge a committed person is reserved to the director [subject to] provided that the director [giving] shall give a thirty-day notice of such intended discharge to the appropriate court [to afford the court an opportunity to order otherwise] and to the prosecutor's office of the appropriate county In any case, no person nineteen years[1] or older shall be incarcerated in a youth correctional facility

(b) In those cases where the term of commitment extends beyond the person's nineteenth birthday, the person shall be placed on juvenile parole pursuant to the original family court order for the balance of the person's term of commitment, provided that such term does not extend beyond the person's twentieth birthday unless earlier terminated '

SECTION 2 Section 352-25, Hawaii Revised Statutes, is amended to read as follows

"**§352-25 Furlough, parole, discharge.** The director, for good reasons shown to the director s satisfaction, may furlough or parole any person committed to the director s custody The director shall give the court and the prosecutor's office of the appropriate county a thirty-day notice prior to discharging a committed person [to afford the court an opportunity to order otherwise] Court approval shall be obtained when such is specifically required in accordance with section 352-29(a)(3)

No furlough parole, or discharge shall be granted unless it appears to the director that there is a reasonable probability that the person will not violate the law and that the person's release is not incompatible with the welfare and safety of society

The form of furlough or parole may include return to the person's own home, transfer to another youth correctional facility, a group home or foster

home placement or other appropriate alternative Non-residential programs may be made available to selected persons on furlough such that they return to the facility during nontreatment hours "

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 4 This Act shall take effect upon its approval

(Approved May 31 1990)

Note

1 So in original

ACT 93 H B NO 2869

A Bill for an Act Relating to a Department of Education Storeroom

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Chapter 296, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"**§296- Department of education storeroom; revolving fund.** There shall be a storeroom established by the department of education to provide schools a source for commonly used educational, office, and custodial supplies There is established a revolving fund to be known as the "storeroom revolving fund," into which shall be deposited the receipts from charges made to schools for the supplies and cost of issuing such supplies from the storeroom and transfers from other accounts or funds Receipts and transfers deposited into the storeroom revolving fund may be expended to purchase educational, office, and custodial supplies, and equipment and services needed to operate the storeroom Balances in excess of $400,000 at the end of each fiscal year shall lapse into the general fund "

SECTION 2 New statutory material is underscored [1]

SECTION 3 This Act shall take effect upon its approval

(Approved May 31 1990)

Note

1 Edited pursuant to HRS §23G 16 5

ACT 94 H B NO 2889

A Bill for an Act Relating to the Public Employees Health Fund

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 87-4 5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows

"(b) The State through the department of budget and finance and the several counties through their respective departments of finance shall pay to the fund a monthly contribution

(1) For hospital, medical, and surgical benefits of a health benefits plan, of $35 52 for the period July 1, 1989, to June 30, 1990, and $39 06 for the period July 1, 1990, to June 30, 1991, for each of their respective employee-beneficiaries, and $109 30 for the period July 1, 1989, to June 30, 1990, and $120 22 for the period July 1, 1990, to June 30, 1991, for each respective employee-beneficiary with a dependent-beneficiary enrolled under this section [These]

(2) For prescription drug benefits of a health benefits plan, of $2 26 for the period July 1, 1990, to June 30, 1991, for each of their respective employee-beneficiaries, and $6 66 for the period July 1, 1990, to June 30, 1991, for each respective employee-beneficiary with a dependent-beneficiary enrolled under this section

(3) For vision care benefits of a health benefits plan, of $1 72 for the period July 1, 1990, to June 30, 1991, for each of their respective employee-beneficiaries, and $3 40 for the period July 1, 1990, to June 30, 1991, for each respective employee-beneficiary with a dependent-beneficiary enrolled under this section

(4) For adult dental benefits of a health benefits plan, of $5 66 for the period July 1, 1990, to June 30, 1991, for each of their respective employee-beneficiaries, and $11 32 for the period July 1, 1990, to June 30, 1991, for each respective employee-beneficiary with a spouse enrolled under this section

The above contributions shall be used for the payment of the respective component costs of a health benefits plan, provided that the respective monthly contribution shall not exceed the actual cost of each respective component of a health benefits plan If both husband and wife are employee-beneficiaries, the total contribution by the State or the appropriate county shall not exceed the monthly contribution of a family plan for both of them"

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved May 31 1990)

ACT 95 H B NO 2890

A Bill for an Act Relating to the Issuance of Bonds for Housing Projects

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 There is hereby appropriated out of revenue bond funds the sum of $100,000,000, or so much thereof as may be necessary for fiscal years 1990-1991, 1991-1992, and 1992-1993, for the purpose of financing or refinancing the development or acquisition of for-sale housing projects developed pursuant to chapter 201E, Hawaii Revised Statutes

SECTION 2 The housing finance and development corporation, with the approval of the director of finance and the governor, is authorized to issue

revenue bonds for the purposes of this Act, provided that the sum total of the bonds so issued shall not exceed $100,000,000

SECTION 3 The sum appropriated shall be expended by the housing finance and development corporation for the purposes of this Act

SECTION 4 This Act shall take effect on July 1, 1990

(Approved May 31 1990)

ACT 96 H B NO 2899

A Bill for an Act Relating to Special Funds for Developmental Disabilities

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Chapter 333F, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"**§333F- Authority to establish specific funding.** The department is authorized to establish and administer special funds for the deposit and expenditure of earned Title XIX funds collected for community program services provided under this chapter in order to maximize the use of federal funds for services to the developmentally disabled "

SECTION 2 New statutory material is underscored [1]

SECTION 3 This Act shall take effect upon its approval

(Approved May 31 1990)

Note

1 Edited pursuant to HRS §23G 16 5

ACT 97 H B NO 2914

A Bill for an Act Relating to the High Technology Development Corporation

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Act 274, Session Laws of Hawaii 1989 is amended by amending section 5 to read as follows

'SECTION 5 During the period July 1, 1989, to June 30, [1990] 1991, the high technology development corporation may permit projects related to film production activities to be conducted at its industrial parks "

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved May 31 1990)

ACT 98 H B NO 2939

A Bill for an Act Relating to the Renter's Income Tax Credit

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 235-55 7, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows

"(c) Each taxpayer with an adjusted gross income of less than $30,000 who has paid more than $1,000 in rent during the taxable year for which the credit is claimed may claim a tax credit of $50 multiplied by the number of qualified exemptions to which the taxpayer is entitled, provided each taxpayer sixty-five years of age or over may claim double the tax credit[.], and provided that a resident individual who has no income or no income taxable under this chapter may also claim the tax credit as set forth in this section "

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act, upon its approval, shall apply to taxable years beginning after December 31, 1989

(Approved May 31, 1990)

ACT 99 H B NO 2941

A Bill for an Act Relating to Individual Housing Accounts.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 235-5 5, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows

"(f) If the individual for whose benefit the individual housing account was established purchases a residential property in Hawaii with the distribution from the individual housing account [and thereafter]

(1) Before January 1, 1990, and if the individual sells in any manner or method or by use of any instrument conveying or transferring [such] the residential property, the gross income of the individual under this chapter for the taxable year in which the residential property is sold, conveyed, or transferred, whichever is applicable, shall include an amount equal to the amount of the distribution from the individual housing account, and in addition, the tax liability of the individual shall be increased by an amount equal to ten per cent of the distribution from the individual housing account

(2) After December 31, 1989, the individual shall report one-tenth of the total distribution from the individual housing account used to purchase the residential property as gross income in the taxable year in which the distribution is completed and in each taxable year thereafter until all of the distribution has been included in the individual's gross income at the end of the tenth taxable year after the purchase of the residential property If the individual sells in any

manner or method or by use of any instrument conveying or transferring the residential property, the gross income of the individual under this chapter for the taxable year in which the residential property is sold, conveyed, or transferred, whichever is applicable, shall include an amount equal to the amount of the distribution from the individual housing account not previously reported as gross income, and in addition, the tax liability of the individual shall be increased by an amount equal to ten per cent of the distribution from the individual housing account.

An individual who purchased a residential property in Hawaii with the distribution from an individual housing account before January 1, 1990, who is subject to paragraph (1) may elect to report as provided in paragraph (2). The election shall be made before January 1, 1991. If the individual makes the election, the individual shall report one-tenth of the total distribution from the individual housing account as gross income in the taxable year in which the election occurs and in each taxable year thereafter until all of the distribution has been included in gross income as provided by paragraph (2). If the individual making the election sells the residential property in any manner as provided in paragraph (2), then the individual shall include as income the amount of the distribution not previously reported as income and increase the individual's tax liability as provided in the second sentence of paragraph (2)."

SECTION 2. Section 235-5.5, Hawaii Revised Statutes, is amended by amending subsection (g) as follows:

"(g) No tax liability shall be imposed under this section if:

(1) The payment or distribution is attributable to the individual dying or becoming totally disabled; or

(2) Residential property subject to subsection (f) is transferred by will or by operation of law or sold due to the death or total disability of an individual or individual's spouse,

subject to the following:

An individual shall not be considered to be totally disabled unless proof is furnished of the total disability in the form and manner as the director may require.

Upon the death of an individual for whose benefit an individual housing account has been established, the funds in the account shall be payable to the estate of the individual; provided that if the account was held jointly by the decedent and a spouse of the decedent, the account shall terminate and be paid to the surviving spouse; or, if the surviving spouse so elects, [such] the spouse may continue the account as an individual housing account. Upon the total disability of an individual for whose benefit an individual housing account has been established, the individual or the individual's authorized representative may elect to continue the account or terminate the account and be paid the assets; provided that if the account was held jointly by a totally disabled person and a spouse of [such] that person, then the [spouses] spouse or an authorized representative may elect to continue the account or terminate the account and be paid the assets."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4 This Act, upon its approval, shall apply to taxable years beginning after December 31, 1989

(Approved May 31 1990)

ACT 100 S B NO 2277

A Bill for an Act Relating to Sentencing

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 706-605, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows

"(1) Except as provided in parts II and IV of this chapter and subsection (2) of this section and subject to the applicable provisions of this Code, the court may sentence a convicted defendant to one or more of the following dispositions

(a) To be placed on probation as authorized by part II of this chapter,
(b) To pay a fine as authorized by part III and section 706-624 of this chapter,
(c) To be imprisoned for a term as authorized by part IV of this chapter,
(d) To make restitution in an amount the defendant can afford to pay, provided that if the court orders, in addition to restitution, payment of[1] fine in accordance with paragraph (b), the payment of restitution shall have priority over the payment of the fine, or
(e) To perform services for the community under the supervision of a governmental agency or benevolent or charitable organization or other community service group or appropriate supervisor, provided that the convicted person who performs such services shall not be deemed to be an employee of the governmental agency or assigned work site for any purpose All persons sentenced to perform community service shall be screened and assessed for appropriate placement by a governmental agency coordinating public service work placement as a condition of sentence "

SECTION 2 Statutory material to be repealed is bracketed [2] New statutory material is underscored

SECTION 3 This Act shall take effect upon approval

(Approved May 31 1990)

Notes

1 So in original
2 No bracketed material

ACT 101 S.B. NO. 2958

A Bill for an Act Relating to Apprenticeship.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 372-6, Hawaii Revised Statutes, is amended to read as follows:

"**§372-6 Related instruction and coordination of instruction.** Related instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for the instruction shall be the responsibility of the [department of education or of the] community college division[,] of the University of Hawaii."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 31, 1990.)

ACT 102 S.B. NO. 3115

A Bill for an Act Relating to Tax Administration.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 231, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§231- Administrative rules officer; specialists; appointment and duties.** The director of taxation may appoint an administrative rules officer, and administrative rules specialists as necessary to assist the administrative rules officer. The administrative rules officer shall direct the adoption of rules related to taxes administered by the department, assist with the issuance of tax memoranda and tax information releases, and perform other duties as directed by the director. The administrative rules officer and the administrative rules specialists shall be exempt from chapters 76 and 77 and may be legal or accounting professionals; provided that no individual appointed under this section shall render legal services reserved to the attorney general under chapter 28."

SECTION 2. New statutory material is underscored.[1]

SECTION 3. This Act shall take effect upon its approval.

(Approved May 31, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 103 H B NO 2871

A Bill for an Act Relating to the Relief of Certain Persons' Claims Against the State and Providing Appropriations Therefor

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by $12,159,436, or 0 52 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 2 The following sums of money are appropriated out of the general revenues of the State of Hawaii for the purpose of satisfying claims for legislative relief as to the following named persons, firms, corporations, others, and cases for overpayment of taxes, or on account of other claims for refunds, reimbursements, payments of judgments or settlements, or other payments, against the State in the amount set forth opposite their names

		Amount
REFUND OF TAXES		
In Re MTL, Inc		
Case Nos 2486 and 2497		
Tax Appeal Court		
Amount of judgment		$ 957,891 71
JUDGMENTS AGAINST THE STATE AND SETTLEMENT OF CLAIMS		
Abreu v State		
Civil No 88-0073, Second Circuit		
Amount of settlement		$ 15,000 00
No interest		
Agustin v State		
Civil No 87-2603-08, First Circuit		$ 42,788 43
Amount of judgment	$40,143 69	
Costs	$ 1,016 39	
Interest at 4% from 7-5-89	$ 1,628 35	
Ako v Office of Hawaiian Affairs, State of Hawaii		
Civil No 87-0325-01, First Circuit		
Amount of settlement		$ 80,000 00
No interest		
Christian v County of Kauai, et al		
Civil No 85-0176 Fifth Circuit		
Amount of settlement		$ 25,000 00
No interest		

Doe v. Department of the Attorney General		
Civil No. 86-4304, First Circuit		$ 23,303.83
Amount of judgment:	$22,500.00	
Interest at 4% from 8-9-89	$ 803.83	
Dunaway v. State of Hawaii, et al.		
Civil No. 87-2225-07, First Circuit		
Amount of settlement:		$ 25,000.00
No interest		
Enos v. State of Hawaii		
Civil No. 87-3212-10, First Circuit		
Amount of settlement:		$ 135,000.00
No interest		
Espino v. State, Septimo v. State		
Civil Nos. 88-0056(2) and 88-0103(2)		
Second Circuit		
Amount of settlement:		$ 630,000.00
No interest		
Evertts v. State of Hawaii		
Civil No. 85-4418, First Circuit		
Amount of settlement:		$ 20,000.00
No interest		
Fernandez v. Bodkin		
Civil No. 88-1703-06, First Circuit		
Amount of settlement:		$ 50,000.00
No interest		
Fowler v. State of Hawaii		$ 31,458.08
Civil No. 88-2581-08, First Circuit		
Amount of judgment:	$30,000.00	
Costs:	$ 156.00	
Interest at 4% from 6-2-89	$ 1,302.08	
Fruge v. State of Hawaii		$ 38,227.40
Civil No. 89-0012-01, First Circuit		
Amount of judgment:	$37,500.00	
Interest at 4% from 1-5-90	$ 727.40	
Gaut v. Sunn		
Civil No. 83-050, U.S.D.C.		$ 15,783.04
Amount of settlement:	$14,500.00	
Interest at 8.16% from 7-1-89:	$ 1,283.04	
Gouveia v. State of Hawaii		
Civil No. 88-1876-06, First Circuit		
Amount of settlement:		$ 30,000.00
No interest		
Hamamoto v. State		
Civil No. 87-3130-09, First Circuit		

Amount of settlement: No interest		$1,300,000.00
Howes v. State of Hawaii Civil No. 90-0708-03, First Circuit Amount of settlement: No interest		$ 28,000.00
Industrial Indemnity, et al. v. State of Hawaii Civil No. 87-2487-08, First Circuit Amount of settlement: No interest		$ 22,203.80
Kamai v. State Civil No. 89-2905-09, First Circuit Amount of settlement: No interest		$ 15,000.00
Koyanagi v. State Civil No. 89-0959-04, First Circuit Amount of settlement: No interest		$ 45,000.00
Martin v. State Civil No. 89-011, Third Circuit Amount of judgment: Interest at 4% from 2-20-90:	$14,772.16 $ 212.07	$ 14,984.23
McClaran v. State of Hawaii Civil No. 87-0400(3), First Circuit Amount of settlement: No interest		$ 19,000.00
Okahara v. Gottman, et al. Civil No. 87-3254-10, First Circuit Amount of settlement: No interest		$ 22,500.00
Robinson v. Ariyoshi, et al. Civil No. 74-32, U.S.D.C. Amount of settlement: No interest		$ 400,000.00
San Miguel v. State of Hawaii Civil No. 88-3530-11, Second Circuit Amount of settlement: No interest		$ 850,000.00
Schilling v. State of Hawaii, et al. Civil No. 89-3532-11, First Circuit Amount of settlement: No interest		$ 28,000.00

Siangco v. State of Hawaii		
Civil No. 88-2089, First Circuit		
Arbitration No. 88-471		$ 26,016.44
Amount of judgment:	$25,000.00	
4% interest from 6-25-89:	$ 1,016.44	
Simpson v. Sakuma, et al.		
Civil No. 87-1155-04, First Circuit		
Amount of settlement:		$ 25,000.00
No interest		
In re Stadium Authority		
U.S.E.P.A. Region 9, #TSCA-09-90-0004		
Amount of settlement:		$ 45,000.00
No interest		
Ward v. Bishop Estate, et al.		
Civil No. 85-0013, Fifth Circuit		
Amount of settlement:		$ 50,000.00
No interest		
Warren v. Kaiser, et al.		
Civil No. 89-0356(2), Second Circuit		
Amount of settlement:		$ 140,000.00
No interest		
MISCELLANEOUS		
Kauhale Aupuni O'Kuliouou		
Amount of settlement:		$6,987,300.00
City and County of Honolulu		
Amount of settlement:		$ 20,800.00

SECTION 3. The sums hereinabove appropriated shall be paid to the respective persons, or for the satisfaction or settlement of the respectively identified cases, and in the several amounts hereinabove set forth upon warrants issued by the comptroller of the State: (1) upon vouchers approved by the director of taxation as to claims for overpayment of taxes or related taxes, and (2) upon vouchers approved by the attorney general as to all other claims.

SECTION 4. Notwithstanding the sums hereinabove appropriated as interest upon judgments against the State and settlements of claims, payment of interest, at any rate stated above, shall be limited to the period from the date of judgment or settlement, if applicable, to thirty days after the effective date of this Act, as provided in section 662-8, Hawaii Revised Statutes, for those cases where judgment or settlement was based on chapter 662, Hawaii Revised Statutes.

SECTION 5. All unexpended and unencumbered balances of the appropriations made by section 2 of this Act as of the close of business on June 30, 1991, shall lapse into the general fund of the State.

SECTION 6. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other

provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 7. This Act shall take effect upon its approval.

(Approved May 31, 1990.)

ACT 104 S.B. NO. 3101

A Bill for an Act Relating to the Employees' Retirement System.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 88, Hawaii Revised Statutes, is amended by adding a new section to be designated and to read as follows:

"**§88- Benefit limitations.** (a) Notwithstanding any other law to the contrary, the benefits payable to all employees who first become members on or after January 1, 1990, shall be subject to the limitations set forth in section 415 of the Internal Revenue Code of 1986, as amended.

(b) Notwithstanding any other law to the contrary, the benefits payable to all employees who first became members before January 1, 1990, shall be subject to the greater of the following limitations as provided in section 415(b)(10) of the Internal Revenue Code of 1986, as amended:

(1) The limitations set forth in section 415 of the Internal Revenue Code of 1986, as amended; or

(2) The benefit of the member without regard to any benefit increases pursuant to an amendment adopted after October 14, 1987."

SECTION 2. Part II of chapter 88, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§88- Credit for mandatory maternity leave.** Any member of the system who was required to take mandatory maternity leave prior to July 1, 1973, may be credited up to four years of membership service credit for mandatory maternity leave; provided that the maximum credit for each pregnancy shall be limited to twelve months.

A member's maternity leave shall be considered service in the member's occupation at the time the leave was taken and may be credited in accordance with section 88-59 or 88-272.

Any retirant, who returns to employment and is reenrolled as a member of the system and who has at least three years of credited service in the system during the period of reemployment, may be credited with membership service credit for maternity leave as provided in this section."

SECTION 3. Section 88-251, Hawaii Revised Statutes, is amended to read as follows:

"**§88-251 Applicability.** The following provisions of part II of this chapter shall apply to this part:

(1) Subpart A, except the definitions provided in section 88-21, unless expressly adopted in section 88-261;

(2) Subpart B, except sections 88-45, 88-46, 88-48, and 88-52 to 88-62;
(3) Subpart C, except sections 88-71 to 88-78, 88-80, 88-81, 88-83 to 88-85,88-87 to 88-89, 88-96, 88-97, and 88-98;
(4) Subpart D, except sections 88-112 and 88-113; and
(5) Subpart E, except sections 88-134 to 88-139."

SECTION 4. Section 88-272, Hawaii Revised Statutes, is amended to read as follows:

"[~~§88-272~~] **Credited service.** Credited service includes:
(1) Service by an employee rendered since becoming a member;
(2) Service credited under part II [of this chapter] as a class A or class B member for members who make the election described in section 88-271(a);
(3) Service for members who return to service in the manner described in section 88-271(b);
[(4) Service rendered prior to becoming a class C member in any of the categories described in section 88-51 which is not included in any of the above; provided that such service shall be credited by purchase at any time after January 1, 1985, and after completing five years of service as a class C member, in the following manner:
(A) If the member had withdrawn the member's accumulated and post retirement contributions, by paying to the system in a nonrefundable lump sum an amount equal to eight per cent interest compounded annually on any accumulated and post retirement contributions previously withdrawn, for the period from the date of withdrawal to the date of purchase; or
(B) If the member has not made contributions to the system with respect to the previous service, by paying to the system in a nonrefundable lump sum an amount equal to eight per cent interest compounded annually multiplied by the product of seven and eight-tenths per cent of the member's current annual salary at the time of purchase, for the period from the date the employee contribution should have been made to the date of purchase;
(5)] (4) Service in the armed forces as provided by subpart E of part II; [of this chapter; and] provided that such service shall be credited at no cost upon certification by the system;
(5) Mandatory maternity leave as provided in part II; provided that such service shall be credited at no cost upon certification by the system;
(6) Service rendered prior to becoming a class C member as described in section 88-51 that is not included in paragraphs (1) to (5); provided that the service shall be credited at no cost. Upon certification by the system, that service shall be credited at the rate of one month of service credit for each month of service rendered following the return to membership; and
[(6)] (7) Unused sick leave as provided in section 88-63; provided that any [such] additional service credit shall not be used in determining eligibility for retirement or for any other purpose as a class C member."

SECTION 5. Noncontributory members who purchased service after June 30, 1989, shall be refunded the cost of the purchase by December 31, 1990.

SECTION 6 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 7 This Act shall take effect upon its approval

(Approved June 1, 1990)

Note

1 Edited pursuant to HRS §23G-16 5

ACT 105 H B NO 2131

A Bill for an Act Relating to Nursing

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that there is a shortage of nurses in Hawaii One of the reasons for the shortage is the duplicative application procedure for foreign-trained nurses that causes them to go elsewhere in the United States to become licensed

In Hawaii, as in the majority of states, a person must take the National Council Licensure Examination for Nursing (NCLEX-RN) and receive a passing grade before a license will be issued Applicants educated in the United States who wish to take the NCLEX-RN in Hawaii are required to present certain school documents that reveal completion of an accredited nursing program. Foreign-trained applicants who wish to take the NCLEX-RN in Hawaii must first take an examination from the Commission on Graduates of Foreign Nursing Schools (CGFNS) and present a certificate from the CGFNS before their applications to take the NCLEX-RN will be accepted The CGFNS examination tests English proficiency and the applicant's probability of passing the NCLEX-RN Both the NCLEX-RN and the CGFNS examination are given in English

However, a foreign-trained applicant can go to California, where the applicant need not present the CGFNS certificate to take the NCLEX-RN, pass the test, have a California license issued, and then return to Hawaii and have a Hawaii license issued by endorsement Unfortunately, most foreign-trained nurses who take this route to becoming licensed do not return to Hawaii

The purpose of this Act is to help alleviate the shortage of nurses in Hawaii by streamlining the examination requirements for foreign-trained nursing applicants and allowing registered and practical nurses from other states to practice with a temporary permit until their licenses from another state are verified or until the result of their examinations are known

SECTION 2 Section 457-7, Hawaii Revised Statutes, is amended to read as follows.

"§457-7 Registered nurses; qualifications; licenses; fees; title; existing licensed nurses; verification of licenses[.]; eligibility. (a) An applicant for a license to practice nursing as a registered nurse shall submit to the board written evidence, verified by oath or affirmation, that the applicant.

(1) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency, and

(2) Has completed [the required state accredited] a nursing [education] program[.] approved by the Hawaii board of nursing.

(b) Licenses shall be granted either:

(1) By examination: The applicant shall be required to pass a written examination in nursing subjects as the board may determine. Upon successfully passing the examination, the board shall issue to the applicant a license to practice nursing as a registered nurse; or

(2) By endorsement: The board may issue a license to practice nursing as a registered nurse by endorsement to an applicant who has been licensed as a registered nurse under the laws of another state, territory, or foreign country if, in the opinion of the board, the applicant meets the qualifications required of registered nurses in this State at the time of graduation. Pending verification of a valid license from another state, a temporary permit may be issued for employment with a Hawaii employer.

(c) The applicant applying for a license to practice as a registered nurse by examination shall pay application and examination fees to the board and a reexamination fee for each reexamination. Each applicant who successfully passes the examination shall pay a license fee. The applicant applying for a license to practice as a registered nurse by endorsement shall pay application and license fees.

(d) Any person who holds a license to practice nursing as a registered nurse in this State shall have the right to use the title "Registered Nurse" and the abbreviation "R.N.". No other person shall assume the title or use the abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a registered nurse.

(e) Any person holding a license or certificate of registration to practice nursing as a registered nurse issued by the board which is valid on June 12, 1970, shall be deemed to be licensed as a registered nurse under this chapter.

(f) Any person who requests to take the licensing examination to qualify for a license in another state shall pay an examination proctoring fee to the board.

(g) Any person who requests verification of a registered nurse license to a nursing board of another state shall pay a license verification fee.

(h) Applicants applying for a license to practice as a registered nurse by examination shall submit to the board proof of eligibility. Applicants shall be eligible to apply for a license by examination if they:

(1) Are qualified as determined by the board through rules adopted pursuant to chapter 91; or

(2) Have graduated from a registered nursing program approved by the board and have successfully completed training in Operation Nightingale or a program certified by the board to be equivalent to Operation Nightingale; or

(3) Have graduated from a registered nursing program approved by the board and are licensed practical nurses who have met the requirements of the board.

Applicants applying pursuant to paragraphs (2) or (3) shall not be required to take the Commission on Graduates of Foreign Nursing Schools examination."

SECTION 3. Section 457-8, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) An applicant for a license to practice nursing as a licensed practical nurse shall submit to the board written evidence, verified by oath or affirmation, that the applicant

(1) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency, and

(2) Has completed a [prescribed curriculum in a state-accredited program to prepare for a] licensed practical nurse program, or its equivalent, approved by the board, and holds a diploma or certificate therefrom

(b) Licenses shall be granted either

(1) By examination The applicant shall be required to pass a written examination in nursing subjects as the board may determine Upon successfully passing the examination, the board shall issue to the applicant a license to practice nursing as a licensed practical nurse, or

(2) By endorsement The board may issue a license to practice nursing as a licensed practical nurse by endorsement to any applicant who has been licensed as a licensed practical nurse, or a person entitled to perform similar services under a different title, under the laws of another state, territory, or foreign country if, in the opinion of the board, the applicant meets the requirements for licensed practical nurses in this State at the time of graduation Pending verification of a valid license from another state, a temporary permit may be issued for employment with a Hawaii employer "

SECTION 4 Section 457-13, Hawaii Revised Statutes, is amended to read as follows

"**§457-13 Exceptions.** This chapter does not prohibit

(1) The furnishing of nursing assistance in an emergency,

(2) The practice of nursing which is incidental to their program of study by students enrolled in nursing education programs accredited by the board;

(3) The practice of nursing [by] under a nonrenewable permit [pending the results of licensing examination] by [graduates of schools] a graduate of a school which is in our[under the jurisdiction of the United States, and whose accreditation is recognized by the board, [providing] provided that following graduation, the [candidates enter] candidate enters the first licensing examination scheduled by any board of nursing recognized by the board [following graduation,] and has submitted to the board an application for a license to practice nursing in this State, and provided further that the permit shall be valid for three months or until the results of the licensing examination are received by the board, whichever occurs first,

(4) The practice of any legally qualified nurse of another state who is employed by the United States or any bureau, division, or agency thereof, while in the discharge of the nurse's official duties,

(5) The practice of nursing in connection with healing by prayer or spiritual means alone in accordance with the tenets and practice of any well recognized church or religious denomination, provided that no person practicing such nursing claims to practice as a registered nurse or a licensed practical nurse, or

(6) The administration of oral and topical medication by school health aides as provided in section 321-242."

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 1, 1990.)

Note

1. So in original.

ACT 106 H.B. NO. 2288

A Bill for an Act Relating to High Technology.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the time has come to prepare Hawaii to earn its place in the lucrative domestic and international high technology marketplace. The legislature acknowledges the wisdom of investing in ideas that may not bring immediate profits, but will provide long-term benefits for the people of Hawaii in the future. A secure place in tomorrow's high technology marketplace can only be earned through careful planning, personal initiative and daring, and hard work.

The legislature finds that the worldwide market for computer software and related services amounted to $30,000,000,000 in 1984 and is anticipated to increase to more than $85,000,000,000 in 1990. This market is characterized by an increasingly short supply of trained personnel to satisfy the growing number and types of computer systems requiring software products.

The State's software development industry is relatively small. Hawaii has approximately fifty-four software development companies. A little more than half of them have five employees or fewer; eighty per cent have fewer than fifteen employees.

The legislature finds that companies in Hawaii have had little success in exporting their packaged software products because of inadequate financing, intense mainland competition, and a lack of marketing expertise. Other obstacles restricting the growth of the State's software development companies include a lack of qualified personnel, the inability of companies to maintain a stable work force, and the lack of market research and appropriate sales channels. Constant changes in software technologies necessitate that smaller companies specialize in a specific segment of the market or industry. This enforced specialization has fragmented Hawaii's software development industry and places it at a tremendous disadvantage in the high technology marketplace.

The legislature finds that if Hawaii's software development industry is to compete successfully in tomorrow's domestic and international high technology marketplace, the State must take a proactive role in supporting the industry today.

In 1989, the legislature directed the high technology development corporation to devise a plan for the development of the software industry in Hawaii. The corporation's findings and recommendations were submitted to the legislature in A Plan to Enhance the Growth of Hawaii's Software Development

Industry Its recommendations included the creation of a software service center to assist the local industry

The purpose of this Act is to create and sustain a viable software industry in Hawaii through the establishment of the Hawaii software service center

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $1,233,000, or 0 048 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 3 Chapter 103, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"**§103- Preferred use of Hawaii software development businesses.** (a) In any expenditure of public funds for software development, the use of Hawaii software development businesses shall be preferred Where a package bid or response to a request for proposal contains both Hawaii and non-Hawaii software development businesses, then for the purpose of selecting the lowest bid or purchase price only, the bid or offer by a non-Hawaii software development business shall be increased by ten per cent The Hawaii software service center, with the cooperation of the director of finance, shall develop and make public a list of state agencies requesting software development services including a description of the software development proposal and a timetable for development. The information provided on the list shall not be binding and proposals may be changed at the discretion of state agencies, provided that any changes shall be promptly communicated to the Hawaii software service center

(b) This section shall not apply when precluded by federal requirements for competitive bidding

(c) For the purposes of this section

"Hawaii software development business" means any person, agency, corporation, or other business entity with its principal place of business or ancillary headquarters located in the State of Hawaii and that proposes to obtain eighty per cent of the labor for software development from persons domiciled in Hawaii

"Software development" means any work related to feasibility studies, system requirements analysis, system design alternatives analysis, system external specifications, system internal specifications, programming, testing, debugging, or implementation for a electronic data processing system "

SECTION 4. Chapter 206M, Hawaii Revised Statutes, is amended to read as follows

1 By designating sections 206M-1 to 206M-20 as part I and inserting a title before section 206M-1 to read

"PART I. HIGH TECHNOLOGY DEVELOPMENT CORPORATION"

2 By adding a new part to be appropriately designated and to read

"PART . HAWAII SOFTWARE SERVICE CENTER

§206M- **Definitions.** As used in this part, unless the context otherwise requires:

"Center" means the Hawaii software service center.

§206M- **Hawaii software service center; established.** There is established within the development corporation a Hawaii software service center. The center shall provide support to foster and sustain Hawaii's software industry.

§206M- **Duties.** The center shall:

(1) Provide access to market research services, including on-line and printed publications;
(2) Develop, publish, and maintain a directory of federal, state, and county software development and service opportunities;
(3) Develop, publish, and maintain a directory of software providers in the State according to their facilities and capabilities;
(4) Develop, publish, and maintain a directory of mainland companies that use software subcontractors, including but not be limited to, government prime contractors and private sector providers;
(5) Publish and maintain a catalog of packaged software products produced in the State;
(6) Develop, publish, and maintain a list of qualified mainland software product packaging providers;
(7) Identify and maintain a listing of current domestic and international sales channels and distributors;
(8) Develop, publish, and maintain a directory of packaged software applications available for import, including but not limited to, distribution licenses, service support, and retail sales;
(9) Develop, publish, and maintain a list of government software development contracts available to Hawaii software development businesses as provided in section 103- ;
(10) Act as the coordinator between the public, private, and nonprofit sectors in the State to analyze, articulate, and implement actions, solutions, and programs that are necessary to support the continued growth of the software industry;
(11) Develop a marketing plan to promote the software industry in domestic and international marketplaces;
(12) Closely monitor the software industry to identify infrastructure and industry deficiencies;
(13) In conjunction with appropriate state agencies, develop the plans and procedures to evaluate, copyright, license, trademark, and market software programs funded by and developed for use by the State;
(14) Organize and implement strategic alliances, partnerships, and consortiums between the private sector, academia, and state agencies to enable the software industry to compete with established domestic and international software providers;
(15) Produce a plan for establishing a center for excellence in software development in Hawaii; and
(16) Do all things necessary and proper to carry out the purposes of this part.

§206M- Copyrights and licenses. (a) The development corporation shall have the authority to copyright software applications and programs developed for state use with public funds and to license their subsequent sale and distribution, provided that this authority shall be subject to the terms and conditions of a contract to license between the development corporation and the affected state departments or agencies that developed the software applications or programs Any copyright arising from center activities shall belong to the State and any revenues generated by licenses and subsequent sale and distribution of copyrighted software shall be deposited into the general fund unless otherwise stipulated in a licensing agreement.

(b) The development corporation shall have the power to contract to license with state departments or agencies and the University of Hawaii to license software to Hawaii-based software development companies on behalf of the State for the purpose of software enhancement, resale, and providing value-added services The development corporation shall ensure through a license that the licensee shall use the software asset solely for the purposes enumerated in the licensing agreement

(c) Nothing in this section shall change the existing authority of state agencies to license or copyright software products

§206M- Annual report on center activities. The development corporation shall include a report on the activities of the center in its annual report to the legislature."

SECTION 5 If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable

SECTION 6 There is appropriated out of the general revenues of the State of Hawaii the sum of $233,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the start-up and operation of the Hawaii software service center

SECTION 7 There is appropriated out of the general revenues of the State of Hawaii the sum of $1,000,000, or so much thereof as may be necessary for fiscal year 1990-1991, which shall be deposited into the discoveries and inventions revolving fund to support the software development programs of the University of Hawaii, provided that the funds shall be distributed on the basis of a software development and marketing plan prepared by the office of technology transfer and economic development The plan shall include a process to solicit competitive proposals The office of technology transfer and economic development shall appoint a group of private industry representatives knowledgeable in the field of software development who shall evaluate the proposals and make recommendations for approval

A detailed description of the software development and marketing plan including any fund allocation plan and actual program expenditures shall be included in the annual report of the discoveries and inventions revolving fund

SECTION 8 The sums appropriated shall be expended by the department of business and economic development for the purposes of this Act

SECTION 9 New statutory material is underscored [1]

SECTION 10. This Act shall take effect upon its approval; provided that sections 6 and 7 shall take effect on July 1, 1990.

(Approved June 8, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 107 H.B. NO. 2287

A Bill for an Act Relating to a Financial Mall.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that a number of efforts to diversify Hawaii's economy has been made in the recent past to reduce the State's heavy reliance upon tourism and federal defense spending. A significant area of initiative has been the State's attempt to capitalize upon its location at the crossroads of the Pacific to serve as a financial center for the burgeoning Pacific region. Efforts in this regard have included the opening of the State to foreign banks and efforts to establish a large scale telecommunications and information industry.

The latest in this series of initiatives, one that brings several of these strands together, is the effort to promote the development of the financial services industry in Hawaii. One outgrowth of this effort could be a securities exchange in Hawaii, which could capitalize upon both the State's geographic location and telecommunications infrastructure to allow the trading of securities on Asian markets during normal business hours. The presence of a strong financial services industry would bring significant amounts of capital into the State, enhance Hawaii's image as a place for international business, and offer additional rewarding jobs to Hawaii's people.

In the financial services industry, the availability of a variety of financial industry operations and support activities is commonly referred to as a financial mall. In order to develop the mall concept and take actions to put it in place, the services of industry and technical experts must be engaged.

The purpose of this Act is to promote economic development and diversification by appropriating funds to provide financial assistance and technical expertise for the development of a financial mall for Hawaii. This appropriation includes funds for the hiring of consultants to develop appropriate criteria and a plan to identify and enlist securities firms, including one or more foreign securities firms, to develop and open an exchange in Hawaii.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $1,500,000, or 0.059 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER
FINANCIAL SERVICES ASSISTANCE PROGRAM

§ -1 **Definitions.** For the purposes of this chapter:

"Department" means the department of business and economic development.

"Financial mall" means an array of financial service industry operations connected by telecommunications and not restricted to location in a single physical facility.

"Financial services industry" means trading and brokering operations, including but not limited to securities, commodities, debt instruments, currencies, options, futures, and other derivatives.

§ -2 **Establishment.** The department of business and economic development shall establish a financial services assistance program for the purpose of promoting the growth and development of a financial services industry and other support services including the telecommunications infrastructure. The department may also hire contractors and consultants to effectuate the purpose of this Act.

§ -3 **Revolving fund; established.** There is established a financial services assistance revolving fund from which moneys shall be expended by the department under this chapter. All moneys appropriated to the fund by the legislature or received in repayment of loan principal, payment of interest, or fees, shall be deposited into the revolving fund and used for the purposes of this chapter.

§ -4[1] **Purposes and terms of assistance.** (a) The department may utilize the money held in the financial services assistance program for economic development projects within the State that have the potential of creating new jobs for residents of the State or retaining current jobs within the State.

(b) Financial assistance provided by the financial services assistance program may be used for any purpose consistent with the objectives and policies for the economy in the state plan, including but not limited to:

(1) The acquisition, improvement, or rehabilitation of land and buildings;
(2) The acquisition of equipment or services;
(3) Working capital; and
(4) Any other purpose reasonably related to an economic development project concerning the financial services industry, including but not limited to consulting and other related services.

(c) The department, for economic development projects relating to the financial services industry, may:

(1) Procure insurance, a guarantee, or a letter of credit from any source for all or a part of a loan, debenture, or lease of others, public or private;
(2) Procure insurance, a guarantee, or a letter of credit for either a single loan, debenture, or lease or for any combination of loans, debentures, or leases; and
(3) Procure consulting and related services for the purposes of this chapter.

(d) Loans provided by the financial services assistance program may be provided to qualified applicants with the following terms and conditions:

(1) The maximum term of a loan shall not exceed twenty years;

(2) Each loan shall bear simple interest at a rate of not less than three and not more than ten per cent a year, depending on the nature of the loan; and

(3) The commencement date for the repayment of the first installment on principal and interest of each loan may be deferred by the director of business and economic development for a period not to exceed two years.

(e) The department shall adopt rules pursuant to chapter 91 to carry out the purposes of this chapter.

§ -5[1] **Annual report.** The department shall report to the governor and the legislature on the revolving fund's revenues and expenditures for each fiscal year. The report shall be submitted no later than twenty days prior to the convening of each regular session."

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of $1,500,000, or so much thereof as may be necessary for fiscal year 1990-1991, to be paid into the financial services assistance revolving fund. The sum appropriated shall be expended by the department of business and economic development for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 1990.

(Approved June 8, 1990.)

Note

1. Renumbered from "-3" and "-4", respectively.

ACT 108 H.B. NO. 1490

A Bill for an Act Relating to Taxation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 237-24.5, Hawaii Revised Statutes, is amended to read as follow:

"**§237-24.5 Additional exemptions.** (a) In addition to the amounts exempt under section 237-24, this chapter shall not apply to amounts received by:

(1) An exchange from:

(A) Transaction fees charged exchange members by the exchange for:

(i) The sale or purchase of securities or products, or both, bought or sold on an exchange by exchange members for their own account or an account for which they have responsibility as an agent, broker, or fiduciary;

(ii) Order book executions made for purposes of effecting transactions; and

(iii) Trade processing performed by an exchange in matching trades, keypunching, record keeping, post cashiering, and notarization;

(B) Membership dues, fees, charges, assessments, and fines from individuals or firms, including charges for firm symbols (member identification), application processing, registration, initia-

tion, membership transfers, floor or post privileges, transaction time extensions, expediting transactions, crossover trades (trading out of assigned functions) and rule infractions,

(C) Service fees charged to members including fees for communications, badges, forms, documents, and reports,

(D) Listing fees and listing maintenance fees charged to companies that wish to be listed and have their securities or products traded on the exchange, and

(E) Participation in the communication network consortium operated collectively by United States exchanges or other markets recognized by the Securities and Exchange Commission, the Commodities Futures Trading Commission, or similar regulatory authorities outside the United States that provides last sale and quote securities information to subscribers or that connects such markets or exchanges for purposes of data transmission,

(2) Exchange members by reason of executing a securities or product transaction on an exchange, provided that this exemption shall apply only to amounts received by exchange members from brokers or dealers registered with the Securities and Exchange Commission, from futures commission merchants, brokers, or associates registered with the Commodities Futures Trading Commission, or from similar individuals or firms registered with similar regulatory authorities outside the United States, and

(3) Exchange members as proceeds from the sale of their exchange memberships

(b) As used in this section.

"Exchange" means an exchange or board of trade as defined in 15 U S C section 78c(a)(1) or in 7 U S C section 7, respectively, which is subject to regulation by the Securities and Exchange Commission or the Commodities Futures Trading Commission or an organization subject to similar regulation under the laws of a jurisdiction outside the United States

"Exchange member" means an individual or firm that is qualified by an exchange as a member and pays membership dues to an exchange in order to trade securities or products on an exchange

"Securities" means securities as defined in 15 U S.C. section 78c and "products" means contracts of sale of commodities for future delivery, futures contracts, options, calls, puts, and similar rights as defined in 7 U S.C section 2, which securities or products are permitted to be traded on an exchange

(c) This section is repealed on June 30,[1992] 2000 "

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval.

(Approved June 8 1990)

ACT 109 S.B. NO. 3117

A Bill for an Act Relating to the General Excise Taxation of Financial Corporations.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 237-23, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) This chapter shall not apply to the following persons:

(1) Banks taxable under chapter 241;

(2) Public service companies (as that term is defined in section 239-2), with respect to the gross income, either actual gross income or gross income estimated and adjusted, which is included in the measure of the tax imposed by chapter 239;

(3) Public utilities owned and operated by the State or any county or other political subdivision thereof;

(4) Insurance companies which pay the State a tax upon their gross premiums under chapter 431;

(5) Fraternal benefit societies, orders, or associations, operating under the lodge system, or for the exclusive benefit of the members of the fraternity itself, operating under the lodge system, and providing for the payment of death, sick, accident, prepaid legal services, or other benefits to the members of such societies, orders, or associations, and to their dependents;

(6) Corporations, associations, trusts, or societies organized and operated exclusively for religious, charitable, scientific, or educational purposes, as well as that of operating senior citizens housing facilities qualifying for a loan under the laws of the United States as authorized by section 202 of the Housing Act of 1959, as amended by the Housing Act of 1961, the Senior Citizens Housing Act of 1962, the Housing Act of 1964, and the Housing and Urban Development Act of 1965, as well as that of operating a prepaid legal services plan;

(7) Business leagues, chambers of commerce, boards of trade, civic leagues, and organizations operated exclusively for the benefit of the community and for the promotion of social welfare which shall include the operation of a prepaid legal service plan, and from which no profit inures to the benefit of any private stockholder or individual;

(8) Hospitals, infirmaries, and sanitaria;

(9) Cooperative associations incorporated under chapter 421 or 422 or Code section 521 cooperatives which fully meet the requirements of section 421-23 or 422-33, except Code section 521 cooperatives need not be organized in Hawaii; provided that:

(A) The exemption shall apply only to the gross income derived from activities which are pursuant to purposes and powers authorized by chapter 421 or 422, except those provisions pertaining to or requiring corporate organization in Hawaii do not apply to Code section 521 cooperatives;

(B) The exemption shall not relieve any person who receives any proceeds of sale from the association of the duty of returning and paying the tax on the total gross proceeds of the sales on account of which the payment was made, in the same amount

and at the same rate as would apply thereto had the sales been made directly by the person, and all such persons shall be so taxable, and

(C) As used in this paragraph, "section 521 cooperatives" mean associations which qualify as a cooperative under section 521 (with respect to exemption of farmers' cooperatives from tax) of the Internal Revenue Code of 1986, as amended;

(10) Building and loan associations taxable under chapter 241,

(11) Persons affected with Hansen's disease and kokuas, with respect to business within the county of Kalawao,

(12) Corporations, companies, associations, or trusts organized for the establishment and conduct of cemeteries no part of the net earnings of which inures to the financial benefit of any private stockholder or individual (provided that the exemption shall apply only to the activities of such persons in the conduct of cemeteries and not to any activity the primary purpose of which is to produce income, even though the income is to be used for or in the furtherance of the exempt activities of such persons),

(13) Financial services loan companies taxable under chapter 241; provided that the exemption shall apply only to the gross income derived from the "engaging in the business of a financial services loan company" as defined in section 408-2,

(14) Development companies taxable under chapter 241, provided that the exemption shall apply only to gross income derived [as] from interest on loans made to borrowers as provided by Title V of the federal Small Business Investment Act of 1958, Public Law 699, as amended,

(15) Nonprofit shippers associations operating under part 296 of the Civil Aeronautics Board Economic Regulations,

(16) Small business investment companies taxable under chapter 241, provided that the exemption shall apply only to the gross income derived from activities engaged in as provided by the federal Small Business Investment Act of 1958, Public Law 699, as amended, provided further that the exemption shall not apply to gross income derived from consulting and advisory services engaged in under the first sentence of section 308(b) of Public Law 699[.], and

(17) Financial corporations taxable under chapter 241, provided that the exemption shall apply only to interest, discount, points, loan fees, loan origination charges, and finance charges which are part of the computed annual percentage rate of interest and which are contracted and received for the use of money, provided further that in the case of financial corporations acting as interbank brokers taxable under chapter 241, the exemption shall apply only to gross income derived from brokerage services. As used in this paragraph, "finance charge" and "annual percentage rate" have the same meaning as defined in the federal Truth in Lending Act (15 U.S.C. 1601 et seq.)."

SECTION 2. Section 241-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read as follows:

" "Interbank broker" means a person, who for a fee, brokerage, or other compensation, either directly or indirectly, provides brokerage services as an

intermediary or agent in transactions between financial institutions where one financial institution (1) supplies funds to another financial institution by making a loan, placing funds in a deposit account, or otherwise extending credit to the other institution, (2) buys, sells, trades, or swaps currency, commercial paper, banker's acceptances, negotiable certificates of deposit, treasury bills, notes, or bonds with another financial institution, or (3) enters into interest rate swaps, forward rate agreements, or interest rate futures contracts with another financial institution. A "financial institution", as used in this paragraph, means a bank, a savings bank, a building and loan association, a trust company, a financial services loan company, an insurance company, a pension and profit sharing trust, an investment company as defined in the federal Investment Company Act of 1940, an Edge or Agreement Corporation, an international banking facility, and similar United States or foreign institutions."

2. By amending the definition of "financial corporation" to read as follows:

" "Financial corporation" means (1) any corporation domestic or foreign, other than a bank or building and loan association, which is a financial corporation within the meaning of section 5219 of the Revised Statutes of the United States, as amended (12 U.S.C. 548), or other similar law, doing business in the State and not subject to the taxes imposed by chapters 235 and 237, or not subject to one of such taxes, but shall not include an insurance company which pays the tax on premiums imposed by chapter 431[.], and (2) an interbank broker doing business in the State and not subject to the taxes imposed by chapter 235 and 237, or not subject to one of such taxes."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 1990.

(Approved June 8, 1990.)

ACT 110 H.B. NO. 2290

A Bill for an Act Relating to Economic Development.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the growth and development of small businesses in the State is essential to ensure a healthy economy for Hawaii. The legislature also finds a need to diversify the economy in order to foster a better quality of life for our citizens and to provide more economic opportunities for our youth.

The legislature also finds that small and emerging businesses create new employment opportunities at a greater rate than large and mature businesses, and also utilize to a greater degree innovative techniques and technologies. However, available sources of assistance and capital in the State are inadequate to support the start-up and development of small and emerging businesses involved in innovation and high technology. Other jurisdictions have innovative programs which include government aid to promote, attract, and foster these businesses. The legislature further finds that to support the growth of the economy of the State, provide adequate employment opportunities, encourage economic diversification, and improve the quality of life for all its citizens,

Hawaii must also foster the development of small and emerging businesses, including innovative and technology-oriented businesses

The purpose of this Act is to create the Hawaii strategic development corporation to encourage and foster the development of small and emerging businesses, including the development of innovative techniques and the application of advanced technology in industry to promote economic growth, greater employment opportunities, and economic diversification by assisting and participating in

(1) The organization, capital formation, growth, development, and success of small and emerging businesses, including start-up and early-stage businesses, pursuing innovative techniques and the application of technology in industry, and

(2) The protection, use, exploitation, licensing, and disposition of rights to innovations that are produced, all for the benefit of the citizens of Hawaii

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $6,300,000, or 0 25 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 3 The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows

"CHAPTER
HAWAII STRATEGIC DEVELOPMENT CORPORATION

PART I. GENERAL PROVISIONS

§ -1 **Definitions.** As used in this chapter

"Board" means the board of directors of the Hawaii strategic development corporation

"Corporation" means the Hawaii strategic development corporation, except where the context clearly indicates another meaning

"Direct investment" means an investment by the corporation in qualified securities of an enterprise to provide capital to an enterprise

"Economic development project" means an endeavor related to industrial, commercial, or agricultural enterprise Economic development project shall not include tourism-related service businesses, nor that portion of an endeavor devoted to the sale of goods at retail, except that, as used in relation to the corporation procuring insurance for a transaction entered into by a depository institution, and as used in relation to an investment by the corporation in a minority-owned business, an economic development project may include that portion of an endeavor devoted to the sale of goods at retail The term shall not include that portion of an endeavor devoted to the construction of housing

"Enterprise" means a person with a place of business in Hawaii which is, or proposes to be, engaged in business in Hawaii, provided that the endeavor

shall not be devoted to the sale of goods at retail, construction of housing, or tourism-related services.

"Minority-owned businesses" means businesses at least fifty per cent owned, controlled, and managed by socially or economically disadvantaged persons.

"Person" means a sole proprietorship, partnership, joint venture, corporation, or other association of persons organized for commercial or industrial purposes.

"Professional investor" means any bank, bank holding company, savings institution, trust company, insurance company, investment company registered under the Federal Investment Company Act of 1940, financial services loan company, pension or profit-sharing trust or other financial institution or institutional buyer, licensee under the Federal Small Business Investment Act of 1958, or any person, partnership, or other entity of whose resources a substantial amount is dedicated to investing in securities or debt instruments and whose net worth exceeds $250,000.

"Qualified security" means any note, stock, treasury stock bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, preorganization certificate of subscription, transferable share, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or patent application, or in royalty or other payments under such a patent or application, or, in general, any interest or instrument commonly known as a "security" or any certificate for, receipt for, or option, warrant, or right to subscribe to or purchase any of the foregoing.

"Seed capital" means financing provided for the earliest stage of business development, including but not limited to developing a working prototype, preparing a business plan, performing an initial market analysis, or organizing a management team.

"Venture capital investment" means any of the following investments in a business:

(1) Common or preferred stock and equity securities without a repurchase requirement for at least five years;
(2) A right to purchase stock or equity securities;
(3) Any debenture or loan, whether or not convertible or having stock purchase rights, which are subordinated, together with security interests against the assets of the borrower, by their terms to all borrowings of the borrower from other institutional lenders, and that is for a term of not less than three years, and that has no part amortized during the first three years; and
(4) General or limited partnership interests.

§ -2 Establishment of Hawaii strategic development corporation; purpose. (a) There is established the Hawaii strategic development corporation, which shall be a public body corporate and politic and an instrumentality and agency of the State. The corporation shall be placed within the department of business and economic development for administrative purposes only.

(b) The purpose of this corporation shall be to encourage economic development and diversification in Hawaii through innovative actions in cooperation with private enterprises. The corporation shall establish programs to stimulate private capital investment in Hawaii toward investments that promote the welfare of citizens in this State, economic growth, employment, and economic diversification. The corporation may use public funds to provide incentives to private investment activity, by coinvesting public funds in private financial organizations to increase the impact of the public investment while

utilizing the investment acumen of the private sector, and by using public funds to reduce the risks of private investments The corporation shall have the flexibility to provide various types of financial assistance. When providing financial assistance, the corporation shall make provision for the recovery of its expenditures, as far as possible

§ -3 **Board of directors; composition.** (a) The governing body of the corporation shall be a board of directors consisting of nine members Eight of the members shall be from the general public and appointed by the governor for staggered terms pursuant to section 26-34, and shall be selected on the basis of their knowledge, skill, and experience in the scientific, business, or financial fields The director of business and economic development, or a designated subordinate, shall serve as an ex-officio voting member Not more than two of the eight appointed members of the board, during their term of office on the board, shall be employees of the State of Hawaii Of the members appointed by the governor, one member shall be appointed from a list of nominees provided by the speaker of the house of representatives and one member shall be appointed from a list of nominees provided by the president of the senate. All appointed members of the board shall continue in office until their respective successors have been appointed

(b) The director of business and economic development shall serve as chairperson of the board until such time as a chairperson is elected by the board from the membership The board shall elect such other officers as it deems necessary

(c) The members of the board shall serve without compensation, but may be reimbursed for expenses, including travel expenses, incurred in the performance of their duties

(d) The board shall appoint a president of the corporation who shall serve at the pleasure of the board and shall be exempt from chapters 76 and 77 The board shall set the salary and duties of the president

(e) The corporation shall not invest in, purchase from, sell to, borrow from, loan to, contract with, or otherwise deal with any person or entity in which any board member has any financial interest

(f) The board may delegate to its president, staff, or others those functions and powers that the board deems necessary or appropriate, including but not limited to the oversight and supervision of employees of the corporation

§ -4 **Powers of corporation.** (a) The corporation shall have all of the powers necessary to carry out its purposes which shall include but not be limited to the power to

(1) Adopt rules pursuant to chapter 91 to carry out the purposes of this chapter,
(2) Adopt an official seal,
(3) Sue and be sued, in its own name,
(4) Finance, conduct, or cooperate in financing or conducting technological, business, financial, or other investigations that are related to or likely to lead to business and economic development by making and entering into contracts and other appropriate arrangements, including the provision of loans, start-up and expansion capital, and other forms of assistance,
(5) Solicit, study, and assist in the preparation of business plans and proposals of new or established businesses,
(6) Provide advice and technical and marketing assistance, support, and promotion to enterprises in which investments have been made,

(7) Coordinate the corporation's programs with any education and training program;
(8) Carry out specialized programs designed to encourage the development of new products, businesses, and markets;
(9) Prepare, publish, and distribute such technical studies, reports, bulletins, and other materials as it deems appropriate, subject only to the maintenance and respect for confidentiality of client proprietary information;
(10) Organize, conduct, sponsor, or cooperate in and assist in the conduct of conferences, demonstrations, and studies relating to the stimulation and formation of businesses;
(11) Provide and pay for such advisory services and technical, managerial, and marketing assistance, support, and promotion as may be necessary or desirable to carry out the purposes of this chapter;
(12) Acquire, hold, and sell qualified securities;
(13) Consent, subject to the provisions of any contract with noteholders or bondholders, whenever the corporation deems it necessary or desirable in the fulfillment of the purposes of this chapter, to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, or any other terms, of any contract or agreement of any kind to which the corporation is a party;
(14) Accept donations, grants, bequests, and devises of money, property, service, or other things of value that may be received from the United States or any agency thereof, any governmental agency, or any public or private institution, person, firm, or corporation, to be held, used, or applied for any or all of the purposes specified in this chapter. Receipt of each donation or grant shall be detailed in the annual report of the corporation. The report shall include the identity of the donor or lender, the nature of the transaction, and any conditions attaching thereto;
(15) Invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be lawful for fiduciaries in the State;
(16) Acquire real property, or an interest therein, by purchase or foreclosure, where that acquisition is necessary or appropriate to protect or secure any investment or loan in which the corporation has an interest; sell, transfer, and convey the property to a buyer and if the sale, transfer, or conveyance cannot be effected with reasonable promptness or at a reasonable price, to lease the property to a tenant;
(17) Acquire, own, hold, dispose of, and encumber personal property of any nature, or any interest therein;
(18) Enter into agreements or other transactions with any federal, state, or county agency;
(19) Make contracts and execute all instruments necessary or convenient for the carrying on of its business;
(20) Appear in its own behalf before state, county, or federal agencies;
(21) Procure insurance against any losses in connection with its property in such amounts, and from such insurers, as may be necessary or desirable;
(22) Appoint officers, employees, consultants, agents, and advisors who shall not be subject to chapters 76 and 77, and prescribe their duties and fix compensation within the limitations provided by law;

(23) Appoint advisory committees as deemed necessary, and
(24) Exercise any other powers of a corporation organized under the laws of the State

(b) The corporation shall not promise to answer for the debts of any other person.

§ **-5 Hawaii strategic development corporation revolving fund.** There is established the Hawaii strategic development corporation revolving fund. The following moneys shall be deposited into the Hawaii strategic development corporation revolving fund and shall not be considered part of the general fund. all moneys appropriated by the legislature, received as repayments of loans, earned on investments, received pursuant to a venture agreement, received as royalties, received as premiums or fees charged by the corporation, or otherwise received by the corporation.

§ **-6 Contracts for services necessary for management and operation of corporation.** The corporation may contract with others, public or private, for the provision of all or a portion of the services necessary for the management and operation of the corporation The corporation shall have the power to use all appropriations, grants, contractual reimbursements, and all other funds not appropriated for a designated purpose to pay for the proper general expenses and to carry out the purposes of the corporation

§ **-7 Actions of corporation; guidelines.** (a) All actions taken by the corporation shall be necessary to achieve the purposes and objectives of this chapter The corporation shall evaluate all programs after three years to determine their effectiveness. The corporation shall establish rules to assure equal opportunity to minority-owned businesses, and shall encourage the development of minority-owned businesses. The corporation shall support and encourage participation by Hawaii companies in federal grant programs, such as the Small Business Innovation Research Program.

(b) Financial participation shall be made on the condition that the recipient of the assistance shall utilize the money to assist economic development projects within the State that have potential for creating new jobs or retaining current jobs within the State.

(c) Financial participation by the corporation in private financial investment funds shall be made with the provision that the private fund shall make investments in Hawaii in amounts at least equal to the amount of state participation

(d) The corporation shall not make direct investments in individual businesses except upon a two-thirds vote of the board in each case considered When deciding whether to enter into a direct investment, the corporation shall consider whether:

(1) The project is economically sound,
(2) The project can be successfully completed;
(3) The project will promote economic diversification,
(4) The project is located in or will locate in the State and has a reasonable potential to create desirable employment opportunities for residents of the State,
(5) The project has been unable to obtain sufficient funding on reasonable terms through ordinary means, and
(6) The project can be partially financed through ordinary means at reasonable terms.

The corporation shall not acquire securities to an extent that would provide the corporation effective voting control of any enterprise after giving effect to the conversion of all outstanding convertible securities of the enterprise.

(e) Investments by the corporation to persons shall be made on the basis of solicitation and a competitive technical review process, subject to the availability of funds allocated to the corporation for making investments. Investments by the corporation shall not be subject to chapter 42. Any organization applying for an investment shall meet the following standards:

(1) Have bylaws or policies that describe the manner in which business is conducted and policies relating to nepotism and management of potential conflict of interest situations;
(2) Be licensed and accredited, as applicable, in accordance with the requirements of federal, state, and county governments;
(3) Comply with applicable federal and state laws prohibiting discrimination against any person on the basis of race, color, national origin, religion, creed, sex, age, or physical handicap; and
(4) Comply with other requirements as the board may prescribe.

§ **-8 Business and industry evaluation and priorities for job opportunity and economic development.** The corporation shall develop procedures to set priorities as to which types of businesses and industries are most likely to provide significant opportunities for economic development and diversification in the State, consistent with the purposes of this chapter. This evaluation shall take into account the guidelines provided by the state plan for economic development. Based on these findings, the corporation shall establish targets by which the operations and programs of the corporation shall be guided.

§ **-9 Meetings of the board.** (a) The meetings of the board shall be open to the public as provided in section 92-3, except that when it is necessary for the board to receive information that is proprietary to a particular enterprise the disclosure of which might be harmful to the business interests of the enterprise, the board may enter into an executive meeting that is closed to the public.

(b) The board shall be subject to the procedural requirements of section 92-4; provided that this authorization to hold closed meetings in accordance with subsection (a) shall be in addition to the exceptions listed in section 92-5, to enable the corporation to respect the proprietary requirements of enterprises with which it has business dealings.

§ **-10 Confidentiality of trade secrets or the like; disclosure of financial information.** Notwithstanding chapter 92, 92F, or any other law to the contrary, any documents or data made or received by any member or employee of the corporation, to the extent that the material or data consist of trade secrets, commercial or financial information regarding the operation of any business conducted by an applicant for, or recipient of, any form of assistance that the corporation is empowered to render, or regarding the competitive position of that applicant in a particular field of endeavor, shall not be a public record; provided that if the corporation purchases a qualified security from an applicant, the commercial and financial information, excluding confidential business information, shall be deemed to become a public record of the corporation. If the information is made or received by any member or employee of the corporation after the purchase of the qualified security, it shall become a public record three years from the date the information was made or received. Any discussion or consideration of trade secrets or commercial or financial information, shall be held by the board, or any subcommittee of the board, in executive sessions closed

to the public, provided that the purpose of any such executive session shall be set forth in the official minutes of the corporation and business which is not related to that purpose shall not be transacted, nor shall any vote be taken during the executive sessions

§ -11 **Requests for assistance from corporation; procedure.** (a) The board shall approve or disapprove requests for assistance within ninety days of receiving a written application Upon written request by an applicant, the board may reconsider its denial of an application for assistance or may waive the ninety-day deadline for approving or disapproving an application

(b) Any person who submits any statement, report, application, or other document to the corporation which is known to the person to be false in any material respect shall be guilty of a class C felony

(c) The corporation may condition any assistance of any type by placing restrictions on the recipient in regard to the recipient's assets or indebtedness or in any other manner deemed appropriate by the corporation A recipient who accepts assistance from the corporation shall be deemed to agree to be bound by any conditions or restrictions imposed by the corporation

§ -12 **Private sector financial support.** Significant private sector financial support shall be associated with any economic development project for which the corporation provides assistance.

§ -13 **Limitations on debt owed to corporation.** Not more than $5,000,000 in financial assistance, excluding rights and royalties under a venture capital agreement, shall be provided to any one enterprise at any time The direct investments of the corporation shall not exceed five per cent of the assets of the corporation, excluding rights and royalties under a venture capital agreement, provided that by a two-thirds vote of the board this amount may be increased to a limit of twenty-five per cent of the total assets of the corporation

§ -14 **Limitation on liability.** Chapters 661 and 662 or any other law to the contrary notwithstanding, nothing in this chapter shall create an obligation, debt, claim, cause of action, claim for relief, charge, or any other liability of any kind whatsoever in favor of any person or entity, without regard to whether that person or entity receives any benefits under this chapter, against the State or its officers and employees The State and its officers and employees shall not be liable for the results of any investment, purchase of securities, loan, or other assistance provided pursuant to this chapter Nothing in this chapter shall be construed as authorizing any claim against the corporation in excess of any note, loan, or other specific indebtedness incurred by the corporation or in excess of any insurance policy acquired for the corporation or its employees.

§ -15 **Annual report.** The corporation shall submit a complete and detailed report of the corporation's activities to the legislature The report shall be submitted not later than twenty days before the convening of the regular session of 1991, and every year thereafter

§ -16 **Annual audit.** The books and records of the corporation shall be subject to an annual audit by an independent auditor

§ -17 **Cooperation with corporation by state agencies.** Every state agency may render services to the corporation upon request of the corporation

§ -18 **Construction of chapter.** This chapter shall be liberally construed to effect its purposes

PART II. PROGRAM FOR SEED CAPITAL ASSISTANCE

§ -21 **Establishment.** The corporation shall establish a program for seed capital assistance

§ -22 **Seed capital investments.** Subject to this chapter, the corporation may invest in:

(1) A certified development company under sections 501 to 503 of the Small Business Investment Act of 1958, 15 U.S.C 695 to 697, and the regulations adopted under those sections,
(2) A small business investment company under the Small Business Investment Act, 15 U S C 631 to 634, 636 to 649, and the regulations adopted under those sections,
(3) A minority enterprise small business investment corporation or equivalent venture capital corporation,
(4) A similar entity that may leverage its capital under a federal program; or
(5) A seed capital fund or partnership

§ -23 **Purposes and terms of investments.** (a) Investments may be used for any purpose consistent with the purposes and objectives of this chapter, including but not limited to

(1) Developing a working prototype,
(2) Preparing a development plan,
(3) Performing an initial market analysis,
(4) Organizing a management team, and
(5) Any other purpose reasonably related to an economic development project

(b) Investments may be made on such terms and conditions as the corporation shall determine to be reasonable, appropriate, and consistent with the purposes and objectives of this chapter

PART III. PROGRAM FOR VENTURE CAPITAL ASSISTANCE

§ -31 **Establishment.** The corporation shall establish a program for venture capital

§ -32 **Venture capital investments.** Subject to this chapter, the corporation may invest in

(1) A certified development company under sections 501 to 503 of the Small Business Investment Act of 1958, 15 U S C 695 to 697, and the regulations adopted under those sections,
(2) A small business investment company under the Small Business Investment Act, 15 U.S C 631 to 634, 636 to 649, and the regulations adopted under those sections,
(3) A minority enterprise small business investment corporation or equivalent venture capital corporation,
(4) A similar entity that may leverage its capital under a federal program, or
(5) A venture capital fund or partnership

§ -33 **Purposes and terms of investments.** (a) Investments may be used for any purpose consistent with the purposes and objectives of this chapter.

(b) Investments may be made on such terms and conditions as the corporation shall determine to be reasonable, appropriate, and consistent with the purposes and objectives of this chapter.

PART IV. PROGRAM FOR CAPITAL ACCESS

§ -41 **Establishment.** The corporation shall establish a program for capital access.

§ -42 **Financial assistance.** The corporation, through the program for capital access, may:

(1) Procure insurance, a guarantee, or a letter of credit from any source for all or a part of a loan, debenture, or lease of others, public or private, or a revenue bond issue of the State or other entity or authority authorized by law to issue revenue bonds; and

(2) Procure insurance, a guarantee, or a letter of credit for either a single loan, debenture, or lease or for any combination of loans, debentures, or leases, or a single revenue bond issue or for all or a part of any combination of revenue bond issues.

§ -43 **Purposes and priorities required in the procuring of insurance, loan guarantees, or letters of credit.** (a) Insurance, guarantees, or letters of credit procured pursuant to section -42 shall be procured only for economic development projects within the State that are consistent with the purposes and objectives of this chapter.

(b) The corporation shall give paramount priority in procuring insurance, guarantees, and letters of credit to economic development projects that have the greatest potential for creating new jobs or retaining current jobs within the State.

§ -44 **Conditions for procuring of insurance, loan guarantees, or letters of credit.** (a) Insurance, guarantees, or letters of credit shall not be procured pursuant to section -42 unless the corporation is assured that the loans, debentures, or leases insured, or guaranteed, or for which letters of credit are issued, shall be used to assist economic development projects that also have significant private sector financial support.

(b) Insurance, guarantees, or letters of credit may be procured on such terms and conditions as the corporation, in its sole discretion, shall determine to be reasonable, appropriate, and consistent with the purposes and objectives of this chapter.

(c) The corporation shall charge the lender or the borrower, or both, a fee or premium for procuring loan, debenture, or lease insurance, guarantee, or a letter of credit. Rules for premiums or fees shall be established by the corporation.

§ -45 **Program for capital access participation agreements.** The corporation shall enter into agreements with lenders for participation in the program for capital access that shall include but not be limited to:

(1) Authorization for the lender to determine, collect, and transmit to the corporation a fee or premium charge within a specified range established consistent with the purposes and objectives of the corporation;

(2) Specification of whether the premium charge shall be paid by the lender, the borrower, the corporation, or by a combination thereof in specified proportions;
(3) The procedure by which a lender may make a claim upon the corporation upon default by the borrower, and the conditions under which a claim may be made; and
(4) The maximum amount of claims a lender may make upon the corporation, which amount may be equal to or less than the proportion of the total premiums contributed by the corporation.

§ **-46 Establishment of special funds to secure loan insurance obligations; source of funds.** The corporation may establish a special fund or funds for capital access into which fees or premiums collected by the corporation are deposited."

SECTION 4. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 5. To provide overall coordination of the State's loan programs, as well as to streamline departments to improve their efficiency, the department of business and economic development shall evaluate all Hawaii state assistance programs to determine which of these programs should more appropriately be administered by the Hawaii strategic development corporation.

SECTION 6. The Hawaii strategic development corporation shall evaluate the capital formation programs utilized in other states, including that one proposed as the "Hawaii linked-deposit program", and report on the feasibility of new programs to the legislature at least twenty days prior to the convening of the 1992 regular session.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of $6,000,000, or so much thereof as may be necessary for fiscal year 1990-1991, to be paid into the Hawaii strategic development corporation revolving fund. The sum appropriated shall be expended by the Hawaii strategic development corporation for the purposes of this Act.

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of $300,000, or so much thereof as may be necessary for fiscal year 1990-1991, to hire necessary staff without regard to chapters 76 and 77, Hawaii Revised Statutes, and operate the Hawaii strategic development corporation established by this Act. The sum appropriated shall be expended by the department of business and economic development for the purposes of this Act.

SECTION 9. This Act shall take effect upon its approval; provided that sections 7 and 8 shall take effect on July 1, 1990.

(Approved June 8, 1990.)

ACT 111

S B NO 3088

A Bill for an Act Relating to Community-Based Enterprise Development

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $1,000,000, or 0 039 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 2 The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows

"CHAPTER
COMMUNITY-BASED DEVELOPMENT

§ **-1 Findings and purpose.** The legislature finds that

(1) It is in the best interest of the State to bring about a diversification of opportunities in all aspects of life for the residents and communities of the State,

(2) Traditional and small community-based enterprises play an important part in providing the diversification of opportunities for Hawaii's residents and communities,

(3) Traditional and small community-based enterprises exist in Hawaii and are characterized by their interests not only in profits but in community empowerment, that is, building the community to enable it to be self-sufficient, which encourages diversification of opportunities for Hawaii's residents and communities,

(4) Traditional and small community-based enterprises have the potential to increase self-sufficiency, provide employment opportunities, strengthen community identity, retain and create community cultural anchors, and reinforce community social, cultural, economic, and spiritual values, and are thus of crucial importance in securing the diversification of opportunities,

(5) Programs to develop traditional and community-based enterprises have the potential to increase self-sufficiency and provide employment opportunities to Hawaii's people,

(6) Conventional financial institutions traditionally do not provide loans to initiate the establishment of community-based enterprises or to initiate establishment or expansion of traditional enterprises,

(7) No present state agency or program has the authority to financially assist traditional and small community-based enterprises, and

(8) The State should initiate a program to assist community-based enterprises through loans and grants

The purpose of this chapter is to establish a program of loans and grants to financially assist the establishment and development of traditional and small community-based enterprises in the State

§ **-2 Definitions.** As used in this chapter:

"Community-based development" means a business or enterprise that can be carried on a small scale in a neighborhood, such as, but not limited to, a cottage industry; export-oriented arts, crafts and fashion operations; and backyard fish farming.

"Council" means the community-based development advisory council.

"Department" means the department of business and economic development.

"Traditional industry" means an industry or enterprise traditionally carried on by native Hawaiians, such as taro farming.

§ **-3 Hawaii community-based development loan and grant program.** There is established the Hawaii community-based development loan and grant program, placed within the department.

§ **-4 Hawaii community-based development revolving fund; established.** There is established a revolving fund to be known as the Hawaii community-based development revolving fund from which moneys shall be loaned or granted by the department under this chapter. All moneys appropriated to the fund by the legislature, received in repayment of loan principal, or payment of interest, and fees shall be deposited into the revolving fund and used for the purposes of this chapter.

§ **-5 Community-based development advisory council; established.** There is established the community-based development advisory council, which shall consist of eleven members. The director of business and economic development and the chairperson of the board of agriculture, or their respective designees, shall be ex officio voting members of the council. The remaining nine members shall be appointed by the governor in accordance with section 26-34. Each county shall be represented by at least one member who is a resident of that county, and at least one member of the council shall be a representative of the financial community. The council shall be placed for administrative purposes in the department of business and economic development.

§ **-6 Compensation and expenses of members.** All members shall serve without compensation, but may be reimbursed from the fund for any actual and necessary expenses, including travel expenses, incurred in carrying out their official duties.

§ **-7 Authority of council.** The council shall review all business plans, except financial statements or personal information, to assess whether the proposed business or enterprise is likely to achieve the purposes of this chapter. The council shall make recommendations to the department regarding the appropriateness of the proposed business or enterprise, and the department shall then have final authority to approve or disapprove the loan or grant application.

§ **-8 Powers and duties.** The department shall have the necessary powers to carry out the purposes of this chapter, including the following:

(1) With advice from the council, prescribe the qualifications for eligibility of applicants for loans;

(2) With advice from the council, establish preferences and priorities in determining eligibility for loans and loan repayment requirements;

(3) Establish the conditions, consistent with the purpose of this chapter, for the granting or for the continuance of a loan;

(4) Provide for inspection at reasonable hours of the plant facilities, books, and records of a community-based business or enterprise which has applied for or has been granted a loan and require the submission of progress and final reports,
(5) Make loans and grants for traditional or small community-based enterprises, including loans or grants for start-up financing of plant construction, conversion, expansion, the acquisition of land for expansion, the acquisition of equipment, machinery, supplies, or materials or for the supplying of working capital, consistent with this chapter,
(6) Determine the necessity for and the extent of security required in a loan,
(7) Prescribe appropriate management counseling and monitoring of business activities,
(8) Administer the Hawaii community-based development revolving fund,
(9) Include in its budget for subsequent fiscal periods amounts necessary to effectuate the purposes of this chapter,
(10) Participate in loans made to qualified persons by private lenders,
(11) Establish interest rates chargeable by the State for direct loans and by private lenders for participation loans, and
(12) Adopt rules pursuant to chapter 91 to implement this chapter

§ **-9 Loans; limitation and terms.** (a)[1] Loans made under this chapter shall be for the purposes and in accordance with the terms specified in classes "A" and "B" in paragraphs (1) and (2) and shall be made only to applicants who meet the eligibility requirements specified therein

(1) Class A community-based enterprise ownership and improvement loans may be made only to provide for
  (A) The start-up costs, purchase or improvement of a traditional or community-based enterprise; and
  (B) The purchase, construction, or improvement of facilities

The loans shall be for an amount not to exceed $500,000 and for a term not to exceed twenty years

(2) Class B operating loans may be made only to carry on and improve an existing enterprise, including
  (A) The purchase of equipment, and
  (B) The payment of production and marketing expenses including materials, labor, and services

The loans shall be for an amount not to exceed $500,000 and for a term not to exceed twenty years

§ **-10 Terms of loans.** Loans shall be made to qualified applicants with the following terms and conditions

(1) No loan shall be granted unless financial assistance is not otherwise available to the applicant,
(2) The amount of the outstanding balance on all loans issued under this chapter to any one applicant at any one time shall not exceed $500,000,
(3) The maximum term of a loan shall not exceed twenty years,
(4) Each loan shall bear simple interest at a rate of not less than three and not more than ten per cent a year, depending on the nature of the loan, and

(5) The commencement date for the repayment of the first installment on principal and interest of each loan may be deferred by the director of business and economic development for a period not to exceed two years.

§ **-11 Grants; conditions and qualifications.** (a) Grants shall only be made with funds specifically appropriated for providing grants, and shall be made for amounts not to exceed $500,000 for each applicant. Applications for grants shall be made to the department and contain such information as the department shall require by rules adopted pursuant to chapter 91. At a minimum, the applicant must show that:

(1) The grant shall be used exclusively for a traditional or small community-based business or enterprise for a continuous period of at least five years;

(2) The traditional or small community-based business or enterprise shall have applied for or received all applicable licenses and permits;

(3) The applicant will comply with applicable federal and state laws prohibiting discrimination against any person on the basis of race, color, national origin, religion, creed, sex, age, or physical handicap;

(4) The grant shall not be used for purposes of entertainment or perquisites;

(5) The applicant shall comply with other requirements as the department of business and economic development may prescribe;

(6) All activities and improvements undertaken with funds received shall comply with all applicable federal, state, and county statutes and ordinances, including applicable building codes and agency rules;

(7) The applicant will indemnify and save harmless the State of Hawaii and its officers, agents, and employees from and against any and all claims arising out of or resulting from activities carried out or projects undertaken with funds provided hereunder, and procure sufficient insurance to provide this indemnification if requested to do so by the department; and

(8) The facilities will not be used and are not intended to be used for sectarian instruction or as a place of worship.

(b) To receive a grant hereunder for development of a traditional or small community-based enterprise, an applicant shall:

(1) Be either:

(A) An individual or association who, at the date of the application, has owned and operated a traditional or small community-based business or enterprise for at least two years; or

(B) A profit organization incorporated under the laws of the State; or

(C) A nonprofit organization determined to be exempt from federal income taxation by the Internal Revenue Service; or

(D) A cooperative association.

(2) In the case of a nonprofit organization, have a governing board whose members have no material conflict of interest and serve without compensation, have bylaws or policies which describe the manner in which business is conducted and policies relating to nepotism and management of potential conflict of interest situations, and employ or contract with no two or more members of a family or kin of the first or second degree unless specifically permitted by the department;

(3) Agree to make available to the department all records the applicant may have relating to the operation of the traditional or community-based enterprise, to allow state agencies to monitor the applicant's compliance with the purpose of this chapter; and

(4) Establish, to the satisfaction of the department, that sufficient funds are available for the effective operation of the business or enterprise for the purpose for which the grant is awarded.

(c) Prior to the adoption of rules pursuant to section - 8, the department may provide grants to applicants who meet the minimum criteria for eligibility set forth in this chapter.

§ **-12 Priorities and preferences.** In selecting applicants for funding, the department shall make every effort to ensure that traditional and small community-based enterprises are distributed throughout the State.

§ **-13 Exemption from chapter 42.** The provisions of chapter 42 shall not apply to the grants made pursuant to this chapter, but all grants made under this chapter shall be made only in accordance with the standards and conditions specified in section -11.

§ **-14 Annual report.** The department shall submit a report of the actions taken under this chapter which shall be included in the annual report pursuant to section 201-10."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $900,000, or so much thereof as may be necessary for fiscal year 1990-1991 to be paid into the Hawaii community-based development revolving fund for the purposes of this Act; provided that out of that sum, $500,000 shall be appropriated for the purpose of providing grants. The sum appropriated shall be expended by the department of business and economic development.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of $100,000, or so much thereof as may be necessary for fiscal year 1990-1991, to hire necessary staff without regard to chapters 76 and 77, Hawaii Revised Statutes, and operate the program established by this Act. The sum appropriated shall be expended by the department of business and economic development.

SECTION 5. This Act shall take effect on July 1, 1990.

(Approved June 8, 1990)

Note

1 So in original

ACT 112 S.B. NO. 1398

A Bill for an Act Relating to Insuring Mammogram Screening.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that breast cancer is the leading cancer in women in the United States and also the second leading cause of cancer

deaths. The legislature further finds that screening mammograms, when properly performed and interpreted and combined with a physical examination of the breast, can detect cancer in its earliest stages. Further, studies have shown that periodic mammogram screening can improve survival and reduce mortality from breast cancer.

The purpose of this Act is to encourage the use of mammogram screening among the women of Hawaii and to ensure that policies providing health insurance in the State of Hawaii cover a minimum schedule of screening for all beneficiaries.

SECTION 2. Section 431:10A-116, Hawaii Revised Statutes, is amended to read as follows:

"**§431:10A-116 Coverage for specific services.** Every person insured under a policy of accident and sickness insurance delivered or issued for delivery in this State shall be entitled to the reimbursements and coverages specified below:

(1) Notwithstanding any provision to the contrary, whenever a policy, contract, plan, or agreement provides for reimbursement for any visual or optometric service which is within the lawful scope of practice of a duly licensed optometrist, the person entitled to benefits or the person performing the services shall be entitled to reimbursement whether the service is performed by a licensed physician or by a licensed optometrist. Visual or optometric services shall include eye [and/or] or visual examination, or both, or a correction of any visual or muscular anomaly, and the supplying of opthalmic materials, lenses, contact lenses, spectacles, eyeglasses and appurtenances thereto.

(2) Notwithstanding any provision to the contrary, for all policies, contracts, plans, or agreements issued on or after May 30, 1974, whenever provision is made for reimbursement or indemnity for any service related to surgical or emergency procedures which is within the lawful scope of practice of any practitioner licensed to practice medicine in this State, reimbursement or indemnification under such policy, contract, plan, or agreement shall not be denied when such services are performed by a dentist acting within the lawful scope of the dentist's license.

(3) Notwithstanding any provision to the contrary, whenever the policy provides reimbursement or payment for any service which is within the lawful scope of practice of a psychologist licensed in this State, the person entitled to benefits or performing the service shall be entitled to reimbursement or payment, whether the service is performed by a licensed physician or licensed psychologist.

(4) Notwithstanding any provision to the contrary, each policy, contract, plan, or agreement issued on or after the effective date of this Act, except for policies which only provide coverage for specified diseases or other limited benefit coverage, but including policies issued by companies subject to chapter 431, article 10A, part II and chapter 432, article 1 shall provide coverage for screening by low-dose mammography for occult breast cancer as follows:

(A) For women thirty-five to thirty-nine years of age, one baseline mammogram;

(B) For women forty to forty-nine years of age, a mammogram every two years;

(C) For women fifty years of age and older, an annual mammogram, and

(D) For a woman of any age with a history of breast cancer or whose mother or sister has had a history of breast cancer, a mammogram upon the recommendation of the woman's physician

The services provided in this paragraph are subject to any coinsurance provisions which may be in force in these policies, contracts, plans, or agreements. The commissioner shall annually review the age and frequency guidelines for mammographic screening recommended by the American Cancer Society, and shall accordingly adjust the age and frequency requirements under subparagraphs (A) to (C) by rule, if necessary.

For the purpose of this paragraph, the term "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the x-ray tube, filter, compression device, screens, films, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with two views for each breast. An insurer may provide the services required by this paragraph through contracts with providers, provided that the contract is determined to be a cost-effective means of delivering the services without sacrifice of quality and meets the approval of the director of health."

SECTION 3. Chapter 432, Hawaii Revised Statutes, is amended by adding a new section to article I, part VI to be appropriately designated and to read as follows:

"**§432- Mammogram screening.** (a) Notwithstanding any provision to the contrary, each policy, contract, plan, or agreement issued on or after the effective date of this Act, except for policies which only provide coverage for specified diseases or other limited benefit coverage, but including policies issued by companies subject to chapter 431, article 10A, part II and chapter 432, article 1 shall provide coverage for screening by low-dose mammography for occult breast cancer as follows:

(1) For women thirty-five to thirty-nine years of age, one baseline mammogram,

(2) For women forty to forty-nine years of age, a mammogram every two years,

(3) For women fifty years of age and older, an annual mammogram, and

(4) For a woman of any age with a history of breast cancer or whose mother or sister has had a history of breast cancer, a mammogram upon the recommendation of the woman's physician

(b) The services provided in subsection (a) are subject to any coinsurance provisions which may be in force in these policies, contracts, plans, or agreements. The commissioner shall annually review the age and frequency guidelines for mammogram screening recommended by the American Cancer Society, and shall accordingly adjust the age and frequency requirements under subsections (a)(1) to (3) by rule, if necessary.

(c) For purposes of this section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the x-ray tube, filter, compression

device, screens, films, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with two views for each breast.

(d) An insurer may provide the services required by this section through contracts with providers; provided that the contract is determined to be a cost-effective means of delivering the services without sacrifice of quality and meets the approval of the director of health."

SECTION 4. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

"**§26H-4 Repeal dates.** (a) The following chapter and sections are hereby repealed effective December 31, 1990:

(1) Chapter 466J (Board of Radiologic Technology)
(2) Sections 321-13 to 321-15 (midwives, laboratory directors, laboratory technologists, laboratory supervisors, laboratory technicians, tattoo artists, electrologists, and sanitarians)

(b) The following chapters are hereby repealed effective December 31, 1991:

(1) Chapter 447 (Dental Hygienists)
(2) Chapter 453 (Board of Medical Examiners)
(3) Chapter 457 (Board of Nursing)
(4) Chapter 458 (Board of Dispensing Opticians)
(5) Chapter 460J (Pest Control Board)
(6) Chapter 462A (Pilotage)
(7) Chapter 438 (Board of Barbers)
(8) Chapter 468K (Travel Agencies)

(c) The following chapters are hereby repealed effective December 31, 1992:

(1) Chapter 448H (Elevator Mechanics Licensing Board)
(2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
(3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
(4) Chapter 460 (Board of Osteopathic Examiners)
(5) Chapter 461 (Board of Pharmacy)
(6) Chapter 461J (Board of Physical Therapy)
(7) Chapter 463E (Podiatry)
(8) Chapter 467D (Social Workers)

(d) The following chapters are hereby repealed effective December 31, 1993:

(1) Chapter 437 (Motor Vehicle Industry Licensing Board)
(2) Chapter 437B (Motor Vehicle Repair Industry Board)
(3) Chapter 440 (Boxing Commission)
(4) Chapter 446 (Debt Adjusters)
(5) Chapter 436E (Board of Acupuncture)

(e) The following sections are hereby repealed effective December 31, 1993:

(1) Sections 445-21 to 38 (Auctions)
(2) Sections 445-131 to 136 (Pawnbrokers)
(3) Sections 445-171 to 172 (Secondhand Dealers)
(4) Sections 445-231 to 235 (Scrap Dealers)

(f) The following chapters are hereby repealed effective December 31, 1994:

(1) Chapter 441 (Cemetery and Funeral Trusts)
(2) Chapter 443B (Collection Agencies)

(3) Chapter 452 (Board of Massage)
(4) Chapter 455 (Board of Examiners in Naturopathy)
(5) Chapter 459 (Board of Examiners in Optometry)
(6) Chapter 442 (Board of Chiropractic Examiners)
(7) Chapter 373 (Commercial Employment Agencies)
(8) Chapter 448 (Board of Dental Examiners)
(9) Chapter 465 (Board of Psychology)
(10) Chapter 468E (Speech Pathology and Audiology)

(g) The following chapters are hereby repealed effective December 31, 1995

(1) Chapter 439 (Board of Cosmetology)
(2) Chapter 444 (Contractors License Board)
(3) Chapter 448E (Board of Electricians and Plumbers)
(4) Chapter 454 (Mortgage Brokers and Solicitors)
(5) Chapter 454D (Real Estate Collection Servicing Agents)
(6) Chapter 464 (Professional Engineers, Architects, Surveyors and Landscape Architects)
(7) Chapter 466 (Board of Public Accountancy)
(8) Chapter 467 (Real Estate Commission)

(h) The following sections are hereby repealed effective December 31, 1996

(1) Sections 431 10A-116(4) and 432- (Mammogram Screening)

[(h)] (i) The following chapters are hereby repealed effective December 31, 1997

(1) Chapter 463 (Board of Private Detectives and Guards)
(2) Chapter 471 (Board of Veterinary Examiners) "

SECTION 5 The director of health shall monitor the availability of safe equipment and trained personnel for mammogram screening in Hawaii and from time to time modify the age and frequency guidelines which define the coverage, if warranted, to assure that the demand for screening does not exceed the ability of the medical community to safely provide the services required by this Act

SECTION 6 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 7 This Act shall take effect on February 1, 1991

(Approved June 8 1990)

Note

1 Edited pursuant to HRS §23G 16 5

ACT 113 H B NO 2229

A Bill for an Act Relating to the Supplemental Budget of the Office of Hawaiian Affairs

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The purpose of this Act is to amend Act 303, Session Laws of Hawaii 1989

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by $2,066,742, or 0 088 per cent, and for fiscal year 1990-1991 to be exceeded by $1,971,836, or 0 077 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 3 The appropriations and authorizations, as the case may be, set forth opposite the cost categories in Section 4 of Act 303, Session Laws of Hawaii 1989, for the following programs are amended to read

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	MOF	APPROPRIATIONS FISCAL YEAR 1990-91	MOF
Office of Hawaiian Affairs							
1	OHA100	- POLICY AND ADMINISTRATION					
				2 50*		2 50*	
	OPERATING		OHA	468,330A		[224,482A]	
			OHA			297,184A	
				2 50*		2 50*	
			OHA	309,809B		[224,481B]	
			OHA			297,184B	
2	OHA101	- Administrative Services					
				3 50*		3 50*	
	OPERATING		OHA	305 913A		[227,592A]	
			OHA			356,476A	
				3 50*		3 50*	
			OHA	305 912B		[227 592B]	
			OHA			356,476B	
3	OHA102	Public Information					
				2 00*		2 00*	
	OPERATING		OHA	150 558A		152,584A	
				2 00*		2 00*	
			OHA	150 557B		152,584B	
4	OHA103	- Human Resources					
				1 50*		1 50*	
	OPERATING		OHA	151,086A		[100,745A]	
			OHA			72,745A	
				1 50*		1 50*	
			OHA	151,086B		[100 744B]	
			OHA			72,744B	
5	OHA104	Planning and Research					
				3 00*		3 00*	
	OPERATING		OHA	149 813A		156 300A	
				3 00*		3 00*	
			OHA	149 813B		156 299B	
6	OHA105	- Culture					
				2 00*		2 00*	
	OPERATING		OHA	62,591A		70 606A	
				2 00*		2 00*	

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
			OHA	62,591	B	70,606	B
7	OHA106	- Government and Community Affairs					
				5 50*		[5 50*]	
						7 50*	
	OPERATING		OHA	144,087	A	[148,748	A]
			OHA			185,507	A
				5 50*		[5 50*]	
						7 50*	
			OHA	144,087	B	[148,748	B]
			OHA			185,507	B
8	OHA107	- Land and Natural Resources					
				1 50*		1 50*	
	OPERATING		OHA	309 024	A	[319,485	A]
			OHA			320,023	A
				1 50*		1 50*	
			OHA	309 023	B	[319,484	B]
			OHA			320,022	B
9	OHA108	- Economic Development					
				1 50*		1 50*	
	OPERATING		OHA	172,801	A	180,020	A
				1 50*		1 50*	
			OHA	172 800	B	180,020	B
				4 00*		4 00*	
			OHA	957 000	N	957,000	N
10	OHA109	- Education					
				1 50*		[1 50*]	
						2 50*	
	OPERATING		OHA	152,539	A	[157,818	A]
			OHA			180,391	A
				1 50*		[1 50*]	
						2 50*	
			OHA	152,539	B	[157,818	B]
			OHA			180,391	B

SECTION 4 Act 303, Session Laws of Hawaii 1989, is amended as follows

(1) By amending Section 12 to read as follows

"SECTION 12 Provided that of the funds appropriated for human resources (OHA 103), the sum of $75,000 in general funds and $75,000 in special funds for fiscal year 1989-90 [and $28,000 in general funds and $28,000 in special funds for fiscal year 1990-91] shall be expended for the creation of an organization to be known as "Papa Ola Lokahi" to develop a Native Hawaiian (no blood quantum) comprehensive health care master plan for the purpose of efficiently appropriating funds for comprehensive health care "

(2) By amending Section 9 to read as follows

"SECTION 9 Provided that of the funds appropriated for policy and administration (OHA 100), the sum of $50,000 in general funds and $50,000 in special funds for fiscal year 1989-90, and fiscal year 1990-91 shall be expended to establish a Governor's task force for the development of a master plan to coordinate the provision of services by public and private entities to native

Hawaiian[1] and Hawaiian populations for the purpose of efficiently budgeting funds for this purpose."

(3) By adding a new section to read as follows

"SECTION 10A Provided that of the funds appropriated for policy and administration (OHA 100), the sum of $22,702 in general funds and $22,703 in special funds for fiscal year 1990-91 shall be expended for intrastate transportation to enable OHA trustees and staff to present the OHA budget to the Hawaiian community before initiating new programs[1]."

SECTION 5 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 6 This Act shall take effect upon its approval

(Approved June 12 1990)

Note

1 So in original

ACT 114 S B NO 3154

A Bill for an Act Relating to Public Employment

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 76-23, Hawaii Revised Statutes is amended to read as follows

"§76-23 Filling vacancy. (a) All vacant civil service positions shall be filled in the manner prescribed in this part or in section 78-1

(b) Whenever there is a position to be filled, the appointing authority shall request the director of personnel services to submit a list of eligibles The director shall thereupon certify a list of five or such fewer number as may be available, taken from eligible lists in the following order first the promotional lists second the recall lists, third the reemployment lists, and fourth the open-competitive lists, provided that laid-off regular employees shall be placed on an appropriate recall list, provided further that with respect to the eligibles under unskilled classes, the director shall certify all of the eligibles on such list Where there is more than one vacant position in a class to be filled, the director may certify an additional eligible for each additional vacancy The director shall submit eligibles in the order that they appear on the eligible list before applying veterans preference, provided that veterans whose examination scores, after addition of applicable preference, are equal to or exceed the examination score of the last eligible certified, shall also be certified, and further provided that if the last eligible to be certified is one of two or more eligibles who have identical examination scores, [such] those two or more eligibles shall be certified notwithstanding the fact that more than five persons are thereby certified to fill a vacancy, and further provided that for each eligible without resident preference certified, a resident who has filed a resident income tax return within the State or who has been claimed as a dependent on [such] a resident income tax return, as provided by section 78-1, shall also be certified

(c) In any case where there are three or more eligibles in one department whose names appear as eligibles on an interdepartmental list, upon the request of

the appointing authority of [such] the department [such] those three or more names shall be certified to the appointing authority as eligibles on an intradepartmental eligible list, but where the interdepartmental list has been in existence for more than six months and there are five or more persons in the department qualified for the class, the department may request an intradepartmental promotional examination, in which case the director shall hold either an interdepartmental or an intradepartmental promotional examination The order in which eligibles are placed on eligible lists shall be fixed by rule The appointing authority shall make the appointment only from the list of eligibles certified to the appointing authority unless the appointing authority finds no acceptable person on the list certified by the director, in which case the appointing authority shall reject the list and request the director to submit a new list, in which event the director shall submit a new list of eligibles selected in like manner, provided that the appointing authority states reasons in writing for rejecting each of the eligibles on the list previously certified to the appointing authority by the director or, in case of the counties, by the civil service commission Eligible lists, other than the recall and reemployment lists, shall be effective for one year but this period may be extended by the director

(d) [An] After giving appropriate notice, an appointing authority may fill a vacant position [in the authority's department] by promoting any regular employee [in] of the department without examination [if the], provided that

(1) The employee meets the minimum [class] qualifications of the class and vacant position [to which the employee is to be promoted, and if the position is in the same or related series as the position held by the employee, provided that when],

(2) The noncompetitive promotion shall be based on appropriate selection documentation indicating that the person promoted is the best qualified, and

(3) When there is no material difference between the qualifications of the employees concerned, the employee with the longest continuous civil service employment within the State or county granting the promotion shall receive first consideration for the promotion

Any regular employee receiving any such promotion without examination shall be ineligible for a second [such] promotion without examination prior to such employee having completed one year of satisfactory service in the position to which the employee was so promoted, but the employee may at any time be eligible for a promotion to any position through examination

(e) An employee filling a permanent position temporarily vacant may be given a permanent appointment to the position if it later develops that the vacancy will be permanent, provided the employee was originally appointed from an appropriate eligible list and the appointing authority certifies that the employee has been performing the duties of the position in a satisfactory manner "

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved June 12 1990)

ACT 115 H.B. NO. 2204

A Bill for an Act Relating to Voter Fraud.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to raise the penalty for voter fraud to a class C felony.

SECTION 2. Chapter 19, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§19- Voter fraud.** The following persons shall be guilty of a class C felony:

(1) Any person who knowingly registers another person to vote when that person is not entitled to register to vote;
(2) Any person who knowingly votes when the person is not entitled to vote;
(3) Any person who knowingly takes an oath in this title prescribed or authorized by law and willfully makes any false statement of fact while under oath therein; or
(4) Any person who willfully makes a false answer to any question asked of the person while under oath in this title prescribed or authorized by law."

SECTION 3. Section 19-6, Hawaii Revised Statutes, is amended to read as follows:

"**§19-6 Misdemeanors.** The following persons shall be guilty of a misdemeanor:

(1) Any person who offers any bribe or makes any promise of gain, or with knowledge of the same permits any person to offer any bribe or make any promise of gain for the person's benefit to any voter to induce the voter to sign a nomination paper, and any person who accepts any bribe or promise of gain of any kind as consideration for signing the same, whether the bribe or promise of gain be offered or accepted before or after the signing;
(2) Any person who wilfully tears down or destroys or defaces any election proclamation or any poster or notice or list of voters or visual aids or facsimile ballot, issued or posted by authority of law;
(3) Any person printing or duplicating or causing to be printed or duplicated any ballot, conforming as to the size, weight, shape, thickness, or color to the official ballot so that it could be cast or counted as an official ballot in an election;
(4) Every person who is disorderly or creates a disturbance whereby any meeting of the precinct officials or the board of registration of voters during an election is disturbed or interfered with; or whereby any person who intends to be lawfully present at any meeting or election is prevented from attending; or who causes any disturbance at any election; and every person assisting or aiding or abetting any disturbance;
(5) Every person who, either in person or through another, in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any meeting of the board of registration of voters, or

in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any election,

(6) Any person, other than those designated by section 11-132, who remains or loiters within the area set aside for voting as set forth in section 11-132 during the time appointed for voting,

(7) Any person, including candidates carrying on any campaign activities within the area described in section 11-132 during the period of time starting one hour before the polling place opens and ending when the polling place closes for the purpose of influencing votes Campaign activities shall include the following

(A) Any distribution, circulation, carrying, holding, posting, or staking of campaign cards, pamphlets, posters and other literature,

(B) The use of public address systems and other public communication media,

(C) The use of motor caravans or parades, and

(D) The use of entertainment troupes or the free distribution of goods and services,

(8) Any person who opens a return envelope containing an absentee ballot voted under chapter 15 other than those authorized to do so under chapter 15,

(9) Any unauthorized person found in possession of any voting machine or keys thereof,

(10) Every person who wilfully violates or fails to obey any of the provisions of law, punishment for which is not otherwise in this chapter specially provided for[, or

(11) Any person who, knowing that the person is not entitled to register or to vote, registers or votes, and any person taking any oath in this title prescribed or authorized to be administered and wilfully making oath to any false statement of fact, or wilfully making a false answer to any question put to the person thereunder] "

SECTION 4 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 5 This Act shall take effect upon its approval

(Approved June 12 1990)

Note

1 Edited pursuant to HRS §23G 16 5

ACT 116 H B NO 2844

A Bill for an Act Relating to Voter Education

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The purpose of this Act is to expressly provide that one of the responsibilities of the chief election officer is to educate the public regarding voter registration and voter information

SECTION 2 Section 11-2, Hawaii Revised Statutes, is amended to read as follows

"**§11-2 Chief election officer.** (a) The lieutenant governor shall be the chief election officer for the administration of this title. The lieutenant governor shall supervise all state elections. The chief election officer may delegate responsibilities in state elections within a county to the clerk of that county or to other specified persons.

(b) The chief election officer shall be responsible for the maximization of registration of eligible electors throughout the State. In maximizing registration the chief election officer shall make an effort to equalize registration between districts, with particular effort in those districts in which the chief election officer determines registration is lower than desirable. The chief election officer in carrying out this function may make surveys, carry on house to house canvassing, and assist or direct the clerk in any other area of registration.

(c) The chief election officer shall maintain data concerning registered voters, elections, apportionment, and districting. The chief election officer shall use this data to assist the reapportionment commission provided for under Article IV of the Constitution.

(d) The chief election officer shall be responsible for public education with respect to voter registration and information."

SECTION 3. New statutory material is underlined.

SECTION 4. This act shall take effect upon its approval.

(Approved June 12, 1990.)

ACT 117 H.B. NO. 403

A Bill for an Act Relating to Claims Against the State.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 41D-3, Hawaii Revised Statutes, is amended to read as follows:

"**[|||§41D-3||| Adjustment of claims against the State.** [(a) All tort claims against the State or its agencies or employees arising under chapter 662, except those within the purview of section 41D-8, shall be reviewed by the attorney general to determine:

(1) Whether the tort claim is one for which the State is or may be liable under chapter 662; and

(2) Whether the attorney general should defend employees of the State against whom a claim has been made, consistent with section 662-16.

(b) Upon the attorney general's affirmative determination under subsection (a), the] (a) The attorney general may review any claim. The attorney general may refer [the claim] claims to the comptroller for informal resolution.

[(c)] (b) All claims against the State that are within the purview of section 41D-8 shall be reviewed in the first instance by the comptroller for informal resolution as provided in this section.

[(d) If the] (c) The comptroller [succeeds in negotiating the settlement of a claim that is] may compromise or settle a claim within the purview of section 41D-8 for an amount not exceeding the applicable medical-rehabilitative limit

established in section 431 10C-308 [that applies to the claim], and the comptroller may pay the claim without [further] review by the attorney general

[(e) If the] (d) The comptroller[, through the comptroller's claims adjusting staff, succeeds in negotiating the settlement of a tort claim that is] may compromise or settle a tort claim not within the purview of section 41D-8[,] for $10,000 or less without the necessity of court approval, and the comptroller may pay the claim [pursuant to chapter 662].

[(f)] (e) Upon referral by the comptroller, the attorney general, in the attorney general's discretion, shall make determinations of whether a claim would or would not be within the purview of section 41D-8 for purposes of subsections (c) and (d) [and (e)].

[(g)] (f) If the tort claim cannot be resolved informally as set forth in subsections (c) and (d) [or (e)], the comptroller promptly shall [refer the claim back to the attorney general for resolution in the manner described in chapter 662] inform the attorney general

[(h)] (g) All of the efforts of the comptroller or the comptroller's delegate under this section shall be "compromise negotiations" within the meaning of [the]' rule 408, Hawaii Rules of Evidence, as set forth in section 626-1.

[(i)] (h) Claims compromised or settled [and approved] under [subsections (d) and (e)] this section shall be paid from the state risk management revolving fund [described in section 41D-4] "

SECTION 2 Section 41D-4, Hawaii Revised Statutes, is amended to read as follows:

"**[|§41D-4|] State risk management revolving fund.** (a) The state risk management revolving fund is created and shall be funded in amounts reasonably necessary to

(1) Carry out the responsibilities of the comptroller established in section 41D-2,

(2) Pay claims to state agencies for losses to property of the State caused by fire or other casualty, including the cost to repair or replace buildings and other structures, replace damaged contents, and to provide alternate structures while damaged structures are being repaired or replaced,

(3) Pay claims against the State under sections 662-11, 41D-3, and 41D-8, and

(4) Pay for losses to the State incurred by the dishonesty, nonfeasance, or misfeasance of any officer or employee of the State or for any losses to the State through larceny, theft, embezzlement, forgery, misappropriation, wrongful abstraction, willful misapplication, or any other fraudulent or dishonest act committed by one or more of the employees of the State acting directly or in collusion with others

(b) In addition to any appropriation the legislature shall make to the state risk management revolving fund, the comptroller may apportion to, and collect from, state agencies those amounts of money that, in the discretion of the comptroller, reflect benefits received by the agencies under this chapter The comptroller may consider the relevant risk and loss experience of the agencies in making apportionments and assessments Funds so collected shall be deposited to the state risk management revolving fund

(c) The comptroller may establish deductibles for the state agencies for certain perils or classes of property losses and may.

(1) Assess the agencies for losses incurred in the amount of the deductible, or

(2) Reduce the payment from the state risk management revolving fund to cover the casualty loss by the amount of the deductible.

(d) The comptroller may establish a formula for refunds to the state agencies based upon the agencies' risk and loss experience.

[(e) The comptroller shall draw warrants on the state risk management revolving fund for the payment of losses approved by the comptroller.

(f) Money in the state risk management revolving fund not expended within the fiscal year or years shall not lapse, but money shall be retained in the fund for use in subsequent years.

(g)] (e) Money in the state risk management revolving fund shall be expended only for the purposes delineated in subsection (a) and only upon the authority of the comptroller, who is given discretion when to permit expenditures from the fund. [In no event shall funds be expended for the use or benefit of any private person on account of the person's claim against the State.] Money in the state risk management revolving fund shall not be garnished, attached, or otherwise subjected to legal compulsion to pay actual or alleged obligations of the State, any state agency, or any state employee.

(f) The comptroller shall prepare, for each fiscal year, a report of all claims arbitrated, compromised, or settled for $10,000 or less paid from the state risk management revolving fund. The report shall be submitted to the legislature twenty days prior to the commencement of the regular session next succeeding the year for which the report is made."

SECTION 3. Section 662-11, Hawaii Revised Statutes, is amended to read as follows:

"**§662-11 Compromise.** (a) The attorney general[, with the approval of the court,] may arbitrate, compromise, or settle any claim cognizable under this chapter[, after commencement of an action thereon; provided that the attorney general may arbitrate, compromise, or settle claims for $10,000 or less without the necessity of court approval or the commencement of an action. The attorney general shall prepare, for each fiscal year, a report of all claims arbitrated, compromised, or settled for $10,000 or less. The report shall be submitted to the legislature twenty days prior to the commencement of the regular session next succeeding the year for which the report is made].

(b) Claims arbitrated, compromised, or settled by the attorney general for $10,000 or less shall be paid from the state risk management revolving fund. Claims arbitrated, compromised, or settled by the attorney general for more than $10,000 shall be paid only after funds are appropriated by the legislature for the payment of those claims."

SECTION 4. This Act does not and shall not be construed to change the extent of the State's sovereign immunity.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 15, 1990.)

Note

1. So in original.

ACT 118 H B NO 1251

A Bill for an Act Making an Appropriation to Extend the Housing Demonstration Project

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that residents of older adult housing facilities have been experiencing problems regarding management attitudes and practices. These problems have included alleged neglect and abuse by either housing managers or other ancillary housing staff. Other complaints concern the location of building furniture and fixtures, the installation of screen doors, the need for additional parking spaces or for parking located closer to residential units, and the lack of courteous and respectful behavior and prompt response on the part of the housing staff.

The legislature further finds that as greater numbers of elderly individuals "age in place" in their housing units, new needs of these residents may be expected to emerge Many of these residents can be expected to live into their eighties or nineties, surviving past the average expected lifespans of years past when the role of housing management was limited to merely providing residents with a safe, decent, and sanitary environment Housing managers have not had to deal with these emerging problems of the elderly and are often ill-equipped to deal with their needs

The purpose of this Act is to address the needs of the elderly housing residents of the State by extending a housing demonstration project that provides professional and knowledgeable assistance to the elderly living independently in housing facilities

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $100,000, or 0.0039 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 3 There is appropriated out of the general revenues of the State of Hawaii the sum of $100,000, or so much thereof as may be necessary for fiscal year 1990-1991, to extend the housing demonstration project with two distinct methodologies.

Model A To empower both residents and management toward effective changes in the orientation and approaches used by both in problem solving and complaint resolution in Hale O'Hauoli, Makua Alii, Paokalani, and Kalakaua Midrise, and

Model B To have resident assistants provide assessment/screening advocacy/representation, counseling, information referral and follow-up/evaluation services to all residents of Punchbowl Homes, Pumehana, Kupuna Home O Waialua, Kahuku Elderly, and Kapuna I who request their assistance

The expected results from this extended demonstration project include.

(1) The establishment of a problem resolution and service provision and management process for older adult housing residents;
(2) An increase in resident satisfaction and safety; and ultimately, an increase in the quality of life of older adults residing in elderly housing; and
(3) The provision of an opportunity for the State to examine and evaluate the merits of differentiating facility management and resident support services in the case of elderly housing.

SECTION 4. The executive office of aging shall submit an interim report to the legislature at least twenty days prior to the convening of the regular session of 1991 that evaluates the progress of the demonstration project.

SECTION 5. The sum appropriated shall be expended by the executive office on aging for the purposes of this Act.

SECTION 6. This Act shall take effect on July 1, 1990.

(Approved June 15, 1990.)

ACT 119 H.B. NO. 1660

A Bill for an Act Relating to Banks and Financial Institutions.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 656-1, Hawaii Revised Statutes, is amended to read as follows:

"**§656-1 Certain contracts, when actionable.** No action shall be brought and maintained in any of the following cases:
(1) To charge a personal representative, upon any special promise to answer for damages out of the personal representative's own estate;
(2) To charge any person upon any special promise to answer for the debt, default, or misdoings of another;
(3) To charge any person, upon an agreement made in consideration of marriage;
(4) Upon any contract for the sale of lands, tenements, or hereditaments, or of any interest in or concerning them;
(5) Upon any agreement that is not to be performed within one year from the making thereof;
(6) To charge any person upon any agreement authorizing or employing an agent or broker to purchase or sell real estate for compensation or commission;
(7) To charge the estate of any deceased person upon any agreement which by its terms is not to be performed during the lifetime of the promisor, or, in the case of agreements made prior to July 1, 1977, of an agreement to devise or bequeath any property, or to make any provision for any person by will; or
(8) To charge any financial institution upon an agreement by the financial institution to lend money or extend credit in an amount greater than fifty thousand dollars ($50,000);

unless the promise, contract, or agreement, upon which the action is brought, or some memorandum or note thereof, is in writing, and is signed by the party to be charged therewith, or by some person thereunto by the party in writing lawfully authorized The term "financial institution" used in subsection (8) means an institution domiciled in this State whose deposits are federally insured or a financial institution which is examined and supervised by the commissioner of financial institutions "

SECTION 2 New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved June 15 1990)

ACT 120 H B NO 2008

A Bill for an Act Relating to Pupil Transportation

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 286-181, Hawaii Revised Statutes, is amended to read as follows

"**§286-181 Pupil transportation safety.** (a) As used in this section "school vehicle" means any publicly or privately owned motor vehicle used to transport pupils to and from a school as defined in section 298-41 or school functions or [school related] school-related events, except

(1) A motor vehicle used for transportation of pupils attending schools above the twelfth grade or pupils over eighteen years of age,

(2) A privately owned passenger vehicle when [such] the transportation is provided without compensation of any kind,

(3) A motor vehicle used for transportation of pupils together with other passengers as a part of the regularly scheduled operation of a mass transit system, or

(4) A privately owned passenger van when [such] the transportation is provided by a community association duly incorporated with the department of commerce and consumer affairs which operates for the purpose of promoting recreation health, safety, or social group functions

(b) The department of transportation may grant exemptions for the use of vehicles other than school vehicles when the department finds that compliance with this section is impossible or impractical due to factors, such as the unavailability of school vehicles, which are beyond the control of the school The exemptions shall be granted

(1) To the department of education, to administer to public schools based on criteria developed by the departments of transportation and education, provided that the department of education shall submit a report to the department of transportation at the end of each school year on the extent to which these exemptions were utilized,

(2) Only for the transport of pupils to and from school functions or school-related activities but not for transportation to and from a school,

(3) Only when each pupil being transported has obtained a written statement from the pupil's parent or legal guardian waiving the State's liability; and

(4) In accordance with the procedures and criteria established by rules of the department of transportation.

(c) The department of transportation may grant exemptions for the use of vehicles other than school vehicles for the transportation of students requiring special education and services when the department finds that compliance with this section is impossible or impractical.

[(b)] (d) The department of transportation shall adopt safety rules and standards relating to school vehicles, equipment, and drivers, including but not limited to:

(1) School vehicle and school vehicle equipment design, construction, and identification;
(2) School vehicle driver qualification and training as required by law;
(3) School vehicle operation;
(4) School vehicle maintenance and maintenance records;
(5) Special school vehicle safety inspections; [and]
(6) Criteria for passenger loading and unloading safety areas; and
(7) Procedures and criteria for the granting of exemptions permitted under subsections (b) and (c);

provided that the rules and standards shall permit the use of small [school] buses or vans weighing less than ten thousand pounds for the transportation of pupils of a day care center, child care facility, headstart program, and preschool, or of school [athletes] pupils and school [athletic] staffs to and from [school related athletic] school-related activities.

[(c)] (e) The department of education shall adopt necessary rules governing passenger conduct, passenger safety instruction, and disciplinary procedures for the enforcement of [such] the rules applicable to passengers on school vehicles operated by or under contract with the State. Any pupil who fails to comply with any rule adopted pursuant to this subsection shall not be subject to section 286-10 but shall be subject to discipline in accordance with rules adopted by the department.

[(d)] (f) Any person operating a school vehicle who fails to comply with any rule adopted pursuant to this section shall be fined not more than $500 or imprisoned not more than six months, or both.

[(e)] (g) The director of transportation, or any officer, employee, or representative of the department of transportation appointed by the director shall be responsible for the enforcement of any safety rules and standards adopted pursuant to subsection [(b).] (d). The director of transportation may request that the executive officers of each county and any other state agency having responsibility relative to pupil transportation provide additional enforcement of any rule adopted by the department of transportation."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 15, 1990.)

ACT 121

H B NO 2011

A Bill for an Act Relating to Motor Vehicles

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 291C-131, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows

"(g) Violations of this section shall subject the owner or driver of the vehicle, or both, to the following penalties without possibility of probation or suspension of sentence [except paragraph (1)(A)]

(1) For a first violation, by
   (A) Suspension of the vehicle registration or suspension of the license of the driver, or both, for five working days,
   (B) A fine of not less than [$100] $250 and not more than $500
(2) For a second violation involving a vehicle or driver previously cited under this section, within one year
   (A) Suspension of the vehicle registration or suspension of the license of the driver, or both, for not less than five working days but not more than ten working days, and
   (B) A fine of not less than [$250] $500 and not more than [$500] $750
(3) For a third or subsequent violation involving a vehicle or driver previously cited under this section within one year
   (A) Suspension of the vehicle registration or suspension of the license of the driver, or both, for a period of thirty calendar days, and
   (B) A fine of not less than [$500] $750 and not more than $1,000

In imposing a fine under this subsection, the court, in its discretion, may apportion payment of the fine between the driver of the vehicle and the owner of the vehicle according to the court's determination of the degree of fault for the violation

For the purposes of this subsection, a truck-trailer combination and tractor-semitrailer combination, as they are defined in section 286-2, shall be considered as one vehicle "

SECTION 2 This Act shall not apply to acts which occurred before its effective date

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 4 This Act shall take effect upon its approval

(Approved June 15 1990)

ACT 122 H.B. NO. 2014

A Bill for an Act Relating to Pickup Trucks.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 291-14, Hawaii Revised Statutes, is amended to read as follows:

"**§291-14[1] Pickup trucks; passenger restrictions.** (a) No person shall stand in the bed or load-carrying area of any motor vehicle commonly known as a pickup truck while the vehicle is in operation. No operator of any pickup truck shall operate the vehicle with a passenger seated in the bed or load-carrying area of the vehicle unless:

(1) There is no seating available in the cab of the vehicle;
(2) The side racks of the vehicle are securely attached and the tailboard or tailgate is securely closed;
(3) Every passenger in the bed or load-carrying area of the vehicle is seated on the floor and does not attempt to control unlashed cargo.

(b) This section shall not apply to persons or corporations operating a business or businesses that serve the public, who or which are subject to the jurisdiction, supervision, and regulations prescribed by state agencies or departments nor to their agents or employees when engaged in the business of such persons or corporations.

(c) Any person who violates this section shall be subject to a fine of $25 for each violation but shall not be guilty of a violation for which points shall be assessed pursuant to section 286-128.

(d) As used in this section, "pickup truck" means a light truck with a cab on the front part of the vehicle covering the driver's seat, and an open bed behind the cab designed primarily to transport property or cargo, with sides and a tailgate to retain the contents within the confines of the bed, and has a maximum gross vehicle weight rating (GVWR) of 10,000 pounds or less."

SECTION 2. Statutory material to be repealed is bracketed.[1] New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 15, 1990.)

Note

1. So in original.

ACT 123 H.B. NO. 2164

A Bill for an Act Relating to Special Purpose Revenue Bonds for Not-for-Profit Corporations that Provide Health Care Facilities to the General Public.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds and declares that the issuance of special purpose revenue bonds under this Act is in the public interest and for the public health, safety, and general welfare of the State.

SECTION 2 Section 39A-52, Hawaii Revised Statutes, is amended to read as follows

"**§39A-52 Sunset provision.** After June 30, [1991] 1995, no new special purpose revenue bonds shall be issued under this part

SECTION 3 Pursuant to part II, chapter 39A, Hawaii Revised Statutes, the department of budget and finance, with the approval of the governor, is authorized to issue special purpose revenue bonds in a total amount not to exceed $71,400,000, in one or more series for the purpose of assisting Kapiolani Health Care System or Pali Momi Medical Center, or both (each of them being not-for-profit corporations that provide health care facilities to the general public), in one or more of the following

(1) Refinancing the acquisition and purchase of health care facilities in Aiea Hawaii,
(2) Financing or refinancing, or both the renovation of the health care facilities, or the construction of additional facilities, or both, or
(3) Financing or refinancing, or both the acquisition and purchase of additional capital equipment for use in connection with its health care facilities in Aiea

The legislature finds and determines that the activities and facilities of Kapiolani Health Care System and Pali Momi Medical Center constitute projects as defined in part II, chapter 39A, Hawaii Revised Statutes, and the financing thereof is assistance to health care facilities

SECTION 4 The special purpose revenue bonds issued under this Act shall be issued pursuant to part II, chapter 39A, Hawaii Revised Statutes, relating to the power to issue special purpose revenue bonds to assist health care facilities

SECTION 5 The department of budget and finance is further authorized to issue from time to time refunding special purpose revenue bonds authorized in those principal amounts as the department shall determine to be necessary to refund the special purpose revenue bonds authorized in this Act

SECTION 6 The authorization to issue special purpose revenue bonds under this Act shall lapse on June 30 1995

SECTION 7 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 8 This Act shall take effect upon its approval

(Approved June 15 1990)

ACT 124 H B NO 2202

A Bill for an Act Relating to Precinct Workers

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The purpose of this Act is to provide for the appointment of sixteen- and seventeen-year-old precinct workers

SECTION 2. Section 11-72, Hawaii Revised Statutes, is amended to read as follows:

"**§11-72 Precinct officials; submission of names and assignment; vacancies.** All qualified political parties shall submit names for precinct officials to the chief election officer not later than 4:30 p.m. on the ninetieth day prior to the close of filing for any primary, special primary, or special election. All precinct officials shall be able to read and write the English language. If any party [shall fail] fails to submit the required names by the above deadline, the chief election officer may fill [such] the positions with available qualified persons.

In assigning the precinct officials the following criteria shall be followed:

(1) The precinct officials shall be registered voters of the precinct in which they serve; but if qualified persons in the precinct or representative district are not readily available to serve, they may be chosen from without the precinct or representative district[.], or if qualified persons either in or without the precinct or representative district are not available to serve, the chief election officer may designate precinct officials who are not registered voters if the persons so designated are otherwise qualified and shall have attained the age of sixteen years on or before June 30, of the year of the election in which they are appointed to work.

(2) The chief election officer may designate more precinct officials than are needed in order to create a pool of qualified precinct officials who may be assigned to fill vacancies or to perform such duties as needed in any precinct.

(3) No parent, spouse, child, or sibling of a candidate shall be eligible to serve as a precinct official in any precinct in which votes may be cast for the candidate; nor shall any candidate for any elective office be eligible to serve as a precinct official in the same election in which [he] the person is a candidate. No candidate who failed to be nominated in the primary or special primary election shall be eligible to serve as a precinct official in the general election next following.

(4) The chairman of the precinct officials shall be of the same party as the governor and shall be the first named precinct official on the list prepared by the chief election officer. The remainder of the precinct officials shall be apportioned as follows:

   (A) The total votes cast, except those cast for nonpartisan candidates, for all of the following offices which were on the ballot in the next preceding general election shall be divided into the total votes cast for all the candidates of each party for such offices: president and vice-president, United States senator, United States representative, governor and lieutenant governor, state senator, and state representative.

   (B) In the event that a party's proportion of votes cast exceeds fifty per cent, its share shall be one-half of the precinct officials. The remaining one-half shall be divided among the remaining parties in proportion to their respective total of votes cast for the offices set forth in subparagraph (A).

   (C) In the case of the above division resulting in parties having fractional positions a whole position shall go to the party with the larger number of votes cast.

   (D) Newly qualified parties may be assigned up to ten per cent of the total positions available at the discretion of the chief election officer.

In case of inability, failure, or refusal of any person so assigned to serve as a precinct official, the chief election officer shall, so far as reasonably practicable, appoint a person to fill the vacancy from the same party as that of the person to be replaced In case of doubt as to the party affiliation of a precinct official, the chief election officer shall use first, the party membership list, and second, the person's word for [his] the person's party affiliation "

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 4 This Act shall take effect upon its approval

(Approved June 15 1990)

ACT 125 H B NO 2207

A Bill for an Act Relating to Challenges to Candidate Nomination Papers

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 12-8, Hawaii Revised Statutes, is amended to read as follows

"**§12-8 Nomination papers: challenge; evidentiary hearings and decisions.** (a) All nomination papers filed in conformity with section 12-3 shall be deemed valid unless objection is made thereto [by the chief election officer or the clerk in the case of county offices or] by a registered voter, chief election officer or county clerk in writing[Such objection is to be made] not later than 4 30 p m on the thirtieth day or the next earliest working day prior to that election day [second day after the close of filing except that if such day falls on a Saturday, Sunday, or holiday then the next succeeding working day] An objection in a primary or special election by a registered voter or county clerk shall be filed not later than 4 30 p m on the thirtieth day or the next earliest working day prior to that primary or special election day In case objection is made, notice thereof shall be given including the placement of the notice in the mail by registered or certified mail to the candidate objected thereto

(b) The chief election officer or the clerk in the case of county offices shall have the necessary powers and authority to [conduct evidentiary hearings and may administer oaths The hearings shall be held not later than four working days after the objection is made Nothing] reach a preliminary decision on the merits of the objection, provided that nothing in this subsection shall be construed to extend to the candidate a right to an administrative contested case hearing as defined in section 91-1(5) The chief election officer or the clerk in the case of county offices shall render a preliminary decision not later than five working days after the objection is filed

(c) [All objections shall be decided by] If the chief election officer or clerk in the case of county offices determines that the objection may warrant the disqualification of the candidate, the chief election officer or clerk shall file a complaint in the circuit court for a determination of the objection, provided that such complaint shall be filed with the clerk of the circuit court not later than 4 30 p m on the [second] seventh working day after [they are made or the second day after the hearing is held All objections which are upheld shall be placed in

writing by the deciding official if so requested by the candidate affected.] the objection was filed.

(d) If the chief election officer or clerk in the case of county offices files a complaint in the circuit court, the circuit court clerk shall issue to the defendants named in the complaint a summons to appear before the court not later that 4:30 p.m. on the fifth day after service thereof.

(e) The circuit court shall hear the complaint in a summary manner and at the hearing the court shall cause the evidence to be reduced to writing and shall not later than 4:30 p.m. on the fourth day after the return give judgment fully stating all findings of fact and of law. The judgment shall decide the objection presented in the complaint, and a certified copy of the judgment shall forthwith be served on the chief election officer or the clerk, as the case may be.

(f) If the judgment disqualifies the candidate, the chief election officer or the clerk shall follow the procedures set forth in sections 11-117 and 11-118 regarding the disqualifications of candidates.

(g) If an objection is made to the nomination papers of any candidate for the office of lieutenant governor pursuant to this section, the incumbent lieutenant governor shall be excused and the attorney general shall execute this section. The attorney general shall render a preliminary decision not later than five working days after the objection is filed."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This act shall take effect upon its approval.

(Approved June 15, 1990.)

ACT 126 H.B. NO. 2233

A Bill for an Act Relating to State Marine Waters.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 187A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§187A- State marine waters.** As used in this chapter, state marine waters shall be defined as extending from the upper reaches of the wash of the waves on shore seaward to the limit of the State's police power and management authority, including the U.S. territorial sea, notwithstanding any law to the contrary."

SECTION 2. Chapter 188, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§188- State marine waters.** As used in this chapter, state marine waters shall be defined as extending from the upper reaches of the wash of the waves on shore seaward to the limit of the State's police power and management authority, including the U.S. territorial sea, notwithstanding any law to the contrary."

SECTION 3. Chapter 189, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§189- **State marine waters.** As used in this chapter, state marine waters shall be defined as extending from the upper reaches of the wash of the waves on shore seaward to the limit of the State's police power and management authority, including the U S territorial sea, notwithstanding any law to the contrary "

SECTION 4 Chapter 190, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"§190- **State marine waters.** As used in this chapter, state marine waters shall be defined as extending from the upper reaches of the wash of the waves on shore seaward to the limit of the State's police power and management authority, including the U S territorial sea, notwithstanding any law to the contrary "

SECTION 5 Section 190D-3, Hawaii Revised Statutes, is amended by amending the definition of "state marine waters" to read as follows.

" "State marine waters" means all waters of the State, including the water column and water surface, extending from the upper reaches of the wash of the waves [to the oceanic boundaries of the State] on shore seaward to the limit of the State's police power and management authority, including the U S territorial sea, notwithstanding any law to the contrary "

SECTION 6 Section 195D-2, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows

""State marine waters" means all waters of the State extending from the upper reaches of the wash of the waves on shore seaward to the limit of the State's police power and management authority, including the U S territorial sea, notwithstanding any law to the contrary "

SECTION 7 Section 205A-1, Hawaii Revised Statutes, is amended by amending the definition of "coastal zone management area" to read as follows

" "Coastal zone management area" means [the waters from the shoreline to the seaward limit of the State's jurisdiction] all marine waters extending from the upper reaches of the wash of the waves on shore seaward to the limit of the State's police power and management authority, including the U S territorial sea and all land areas excluding those lands designated as state forest reserves."

SECTION 8 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 9 This Act shall take effect upon its approval.

(Approved June 15, 1990)

Note

1 Edited pursuant to HRS §23G-16 5

ACT 127 H B NO 2258

A Bill for an Act Relating to Legislative Management

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that the people of Hawaii have a fundamental right to know about what its government is doing, especially in the

legislative branch of government. This right can only be ensured if public law and policy guarantee and expand public access to public information.

The legislature further finds that a bipartisan committee composed of an equal number of representatives and senators to develop policies and coordinate legislative activities would guarantee that public demands for information are more effectively met. In recognition of the need for permanent joint management of legislative research, reporting, bill drafting, examination and revision of statutes, general administration, and budgetary and fiscal analysis and research, this committee would be responsible for developing and monitoring policies to ensure efficient legislative operations.

As new technologies were introduced through the years and as the needs of the legislature expanded, several computer systems evolved within the legislature. As it enters into a new decade, the legislature also finds that consolidating its technical resources would better serve the needs of the legislature, legislators, and the public.

The purpose of this Act is to create a joint legislative management committee within the legislature to establish general policy and evaluate, supervise, and coordinate activities among the legislative service agencies.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER
JOINT LEGISLATIVE MANAGEMENT COMMITTEE

§ **-1 Definitions.** As used in this chapter, unless the context otherwise requires:

"Committee" means the joint legislative management committee established under this chapter.

"Legislative service agency" means the office of the auditor, the office of the legislative reference bureau, and the office of the ombudsman.

"Legislative service agency director" means the director or administrative head of a legislative service agency.

"Member" means a member of the joint legislative management committee.

§ **-2 Establishment of the joint legislative management committee; members; terms; vacancies.** (a) There is established within the legislature a bipartisan joint legislative management committee to supervise, develop policy, and coordinate activities for all legislative service agency staff services.

(b) The committee shall consist of ten members: five shall be representatives appointed by the speaker of the house of representatives, including the chairperson of the house committee on legislative management and at least one member of the minority party, and five shall be senators appointed by the president of the senate, including the chairperson of the senate committee on legislative management and at least one member of the minority party. The appointing authority of each house shall make and announce the appointment or reappointment of members of the committee no later than fifteen days after the convening of the first regular session of each legislature. The chairpersons of the house and senate legislative management committees shall serve as co-chairs of the joint legislative management committee.

(c) Members shall serve for the duration of the legislature during which they are appointed. In the event the appointing authority of either house has not

appointed or reappointed members of the committee within fifteen days after the convening of the first regular session of the legislature, the incumbent members shall continue serving on the committee until successors are appointed When a member of the committee files a declaration of candidacy for an elective office other than that of member of either house of the legislature, and the member has not resigned from membership on the committee, the member's committee membership shall terminate on the date of filing

(d) When a vacancy occurs in the membership of the committee, the appointing authority of the house incurring the vacancy shall fill the vacancy within thirty days A legislator appointed to fill a vacancy shall be a member of the same political party as the member vacating the seat

(e) Members of the committee shall serve without pay, but shall be reimbursed for their actual and necessary expenses, including travel expenses incurred in carrying out their duties

§ **-3 Meetings and attendance of quorum.** The members of the committee shall meet at times and places as specified by a call of the co-chairpersons or a majority of the committee The committee shall prescribe rules for its own management and government Six members of the committee shall constitute a quorum, and a quorum may exercise all the power and authority conferred on the committee

§ **-4 Powers and duties.** The committee shall be responsible for establishing general policy and evaluating, supervising, and coordinating activities among the legislative service agencies The committee shall

(1) Determine the types, quantity, and quality of tasks to be assigned to each legislative service agency within statutory limitations, provided that with respect to direction to the auditor to conduct investigations pursuant to Article VII, section 10 of the Constitution of the State, direction shall be by both houses of the legislature,
(2) Evaluate and recommend the budget of each legislative service agency to the legislature,
(3) Approve annually the salary pay ranges to be used in determining the salaries of the staffs of legislative service agencies Legislative service agency directors shall determine the salaries to be paid to their respective staffs in accordance with the pay ranges Each legislative service agency director shall file a report annually with the committee setting forth the salaries paid to their respective staffs,
(4) Meet at times as it may determine to carry out its policy-making duties,
(5) Evaluate ways to improve legislative service agency staff services and organization, including but not limited to operations of legislative service agencies, management of legislative business, legislative compensation, legislative information systems legislative office space and efficient use of state capitol facilities,
(6) Supervise the development, operation and maintenance of legislative information processing systems, including but not limited to approving and monitoring joint computer operations in the legislative process,
(7) Adopt rules as necessary for the purposes of this chapter, and
(8) Do all things necessary and proper to carry out the purposes of this chapter "

SECTION 3. Upon the effective date of this Act, the speaker of the house of representatives and the president of the senate shall have the authority to make and announce the appointment of members of the joint legislative management committee.

SECTION 4. The joint legislative management committee shall report its findings and recommendations on the feasibility of consolidating the SHADO and HO'IKE bill drafting and statutory retrieval systems to the legislature not less than twenty days before the convening of the regular session of 1991. This study shall include, but not be limited to, proposed funding and an implementation plan.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 15, 1990.)

ACT 128 H.B. NO. 2293

A Bill for an Act Making an Appropriation to Review the Laws Relating to Financial Institutions.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that financial institutions play a major role in today's rapidly evolving and complex economy. Companies rely on financial institutions to provide financial transactions and other services needed to conduct their businesses. Individuals and families rely on financial institutions to ensure their fiscal security for the future and to provide various banking services. The legislature further finds that deregulation and technological changes have changed the traditional role of financial institutions. To keep pace with recent innovations and to protect the financial well-being of Hawaii's businesses and people, the regulatory framework for the financial institutions must be both strong and flexible to ensure the financial integrity and responsibility of financial institutions in Hawaii.

The legislature finds that there is good cause for a comprehensive study of the State's laws relating to financial institutions. In light of the Financial Institutions Recovery, Reform and Enforcement Act of 1989 (FIRREA), many of the State's financial laws have been directly impacted and in some cases rendered obsolete. The legislature also finds that amendments to the statutory scheme have been done in a piecemeal fashion throughout the years.

Traditionally, financial institutions, such as banks and savings and loans, occupied distinct arenas in terms of products and services. However, the walls of distinction are weakening with deregulation and technological changes and financial institutions argue that they must expand their areas of competition.

For the past few years, the legislature has been asked to consider a variety of bills relating to the expansion of powers and the competition or overlapping of functions by the financial institutions. However, before the legislature can make a decision in this area, it needs to establish and formulate guidelines in order to bring Hawaii into the era of deregulation and innovative technology in a deliberate fashion.

The intent of the legislature is to be forward looking, but it must also proceed with caution in order to balance the competitive flexibility financial institutions require in this era of deregulation with the need to protect the public

and to preserve public confidence in the health of these institutions. Therefore, a review of the issues surrounding deregulation and the competitive aftermath of deregulation and other changes in the market place would assist the legislature in making informed decisions on these types of bills. For example, a survey and review of the different studies prepared at the national and local level on the issues of "expanded powers" and the changing environment for financial institutions and an analysis of how Hawaii may be affected is needed.

The purpose of this Act is to update, clarify and strengthen the regulatory framework for financial institutions and to address issues related to "expanded powers".

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of $150,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the purpose of conducting a comprehensive review of the State's laws relating to financial institutions.

SECTION 3. The review shall include all laws currently administered by the commissioner of financial institutions, specifically the laws relating to banks, foreign banks, trust companies, savings and loan associations, financial services loan companies, small loan companies, and credit unions, and other related laws and issues.

SECTION 4. The commissioner of financial institutions shall submit a status report of the review to the legislature on a semi-annual basis. The commissioner of financial institutions shall submit the first progress report, along with findings and recommendations to the legislature not later than twenty days before the convening of the 1991 regular session. The final report of the commissioner of financial institutions shall be submitted not later than twenty days before the convening of the 1992 regular session.

SECTION 5. The sum appropriated shall be expended by the department of commerce and consumer affairs for the purposes of this Act.

SECTION 6. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and section 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $150,000.00 or 0.0059 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 7. This Act shall take effect on July 1, 1990.

(Approved June 15, 1990.)

ACT 129 H.B. NO. 2295

A Bill for an Act Relating to Solicitation of Funds.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Hawaii's people, with their aloha spirit, have a high sense of social responsibility, of caring for others and for the well-being of our family life and community. Hawaii's people generously contribute their services and moneys to charities to help the less fortunate and needy, to conduct research, and for other civic purposes to improve the lives of our people. Unfortunately, there are those who take advantage of the people's generosity for their own personal gain. Therefore, it is imperative that information regarding the charitable organizations and fund-raisers be readily accessible so the people can make an informed decision about donating to a charitable organization. The purpose of this Act is to require charitable organizations, professional fund-raising counsel, and professional solicitors to report information to the State, to require the State to publish an annual listing of information relating to charitable organizations, professional fund-raising counsel, and professional solicitors, and to strengthen enforcement remedies for violations of the charitable solicitation laws.

SECTION 2. Chapter 467B, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

"**§467B- Publication.** The director shall publish annually, in a newspaper of general circulation in the State, a list of all registered charitable organizations, professional fund-raising counsel, and professional solicitors.

§467B- Financial statements. Whenever the director has reasonable grounds to believe that any charitable organization, professional fund-raising counsel, or professional solicitor has engaged in any act or practice constituting a violation of any provision of this chapter or any rule or order issued or promulgated hereunder, the director may require the charitable organization, professional fund-raising counsel, or professional solicitor to submit to the department a financial statement certified by an independent public accountant.

§467B- Violation as unfair practice. Any person who engages in an act or practice which violates any provision of this chapter or rules adopted pursuant thereto shall have engaged in an unfair or deceptive act or practice in the conduct of a trade or commerce, in violation of section 480-2, and shall be subject to the penalties and remedies provided for such a violation."

SECTION 3. Section 467B-1, Hawaii Revised Statutes, is amended by:

1. Amending the definition of "professional fund-raising counsel" to read as follows:

" "Professional fund-raising counsel" means any person who, for a flat fixed fee, plans, conducts, manages, carries on, advises, or acts as a consultant, whether directly or indirectly, in connection with soliciting contributions for[,] or on behalf of any charitable organization, but who actually solicits no contributions as a part of the person's services. It does not include a bona fide volunteer, salaried officer, or employee of a charitable organization maintaining a permanent establishment within the State."

2. Amending the definition of "professional solicitor" to read as follows:

" "Professional solicitor" means any person who, for a financial or other consideration, solicits contributions for[,] or on behalf of a charitable organization, whether [such] the solicitation is performed personally or through the person's agents, servants, or employees, or through agents, servants, or employees specially employed by[,] or for a charitable organization, who are engaged in the solicitation of contributions under the direction of [such] the person, or a person who plans, conducts, manages, carries on, advises, or acts as a consultant to a charitable organization in connection with the solicitation of contributions but does not qualify as a "professional fund-raising counsel" within the meaning of this chapter It does not include a bona fide volunteer, salaried officer, or employee of a charitable organization maintaining a permanent establishment within the State and also an attorney, investment counselor, or banker who advises a person to make a contribution to a charitable organization as part of the person s employment "

SECTION 4 Section 467B-5, Hawaii Revised Statutes, is amended to read as follows

"§467B-5 Records to be kept by charitable organizations, professional fund-raising counsel, and professional solicitors. Every charitable organization, professional fund-raising counsel, and professional solicitor subject to this chapter shall, in accordance with the rules [and regulations prescribed] adopted by the director, keep true and accurate [fiscal] records as to its activities in the State in [the] a form [as] that will accurately provide the information required by this chapter Upon demand, the records shall be made available to the director for inspection [Such] The records shall be retained for a period of three years after the end of the period of registration to which they relate "

SECTION 5 Section 467B-10, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows

'(a) If any registered charitable organization, professional fund-raising counsel, or professional solicitor fails to file any registration application or statement, report, or other information required to be filed under this chapter or demanded by the director, or otherwise violates this chapter, the director shall notify the delinquent charitable organization professional fund-raising counsel, or professional solicitor by mailing a notice by registered or certified mail, with return receipt requested, to its last known address If the required registration application or statement, annual report, or other information is not filed, or the demanded information is not provided, or if the existing violation is not discontinued within two weeks after the formal notification or receipt of the notice, the director may cancel, suspend, or refuse to accept the registration or other required information of the delinquent charitable organization, professional fund-raising counsel, or professional solicitor '

SECTION 6 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 7 This Act shall take effect July 1, 1990

(Approved June 15 1990)

Note

1 Edited pursuant to HRS §23G 16 5

ACT 130 H.B. NO. 2381

A Bill for an Act Making an Appropriation for the Planning, Development, and Coordination of a Statewide Program for the Provision of Services to Control Violent Behavior.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $140,583, or 0.0055 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of $140,583, or so much thereof as may be necessary for fiscal year 1990-1991, to plan and develop a coordinated statewide program for the provision of services to control violent behavior, consistent with Act 361, Session Laws of Hawaii 1989.

SECTION 3. The sum appropriated shall be expended by the office of state planning for the purposes of this Act; provided that of the total amount, $80,000 shall be allocated to the department of the attorney general to develop and implement a statewide training program for the police departments of each county, and may be allocated directly to the police departments for expenditure in accordance with the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 1990.

(Approved June 15, 1990.)

ACT 131 H.B. NO. 2424

A Bill for an Act Relating to Temporary Number Plates.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 249-7.5, Hawaii Revised Statutes, is amended to read as follows:

"**[|]§249-7.5[|] New motor vehicle with a temporary number [plates.] plate.** Any person who has purchased a new motor vehicle which has attached a temporary number [plates] plate under section 286-53 shall register the new motor vehicle in accordance with this chapter within twenty days after taking possession of the motor vehicle. For the purposes of this chapter, the registration of such a motor vehicle shall be considered an original registration under section 249-7. Within thirty days of the original registration of such a motor vehicle, the director of finance shall furnish two number plates and the valid tag or emblem appropriate for the year of registration, if any, which shall be attached to the motor vehicle as provided under section 249-7. Upon attachment of the number

plates, the temporary number [plates] plate provided under section 286-53 shall be destroyed."

SECTION 2. Section 286-53, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) Whenever a new motor vehicle dealer sells a new motor vehicle to a person, the new motor vehicle dealer shall detach the permanent number [[]plate[]] issued under subsection (c) from that new motor vehicle and replace it with [two] one temporary motor vehicle [plates.] plate. The temporary number [plates] plate shall be attached to the rear of the vehicle in the same location as required for number plates under section 249-7. The new motor vehicle dealer shall only print upon the temporary motor vehicle [plates] plate the:

(1) Date which is thirty working days after the date which the person takes possession, which date shall be placed in the middle of [each] the temporary number plate in numbers not less than four inches in height;
(2) Name and address of the new owner;
(3) Name and address of the new motor vehicle dealer;
(4) Serial number of the new motor vehicle; and
(5) Date the new motor vehicle owner took possession of the motor vehicle.

Items [(2)] (3) through (5) shall be printed in the upper left corner of the temporary number [plates.] plate.

The temporary number [plates] plate shall be valid through the date listed in item (1). Any person who operates a motor vehicle with an expired or invalid temporary number plate shall be fined not more than $100."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon approval.

(Approved June 15, 1990.)

ACT 132 H.B. NO. 2429

A Bill for an Act Relating to Number Plates.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 249-7, Hawaii Revised Statutes, is amended to read as follows:

"§249-7 Number plates. (a) Upon receipt of the tax the director of finance shall number and register the vehicle in the owner's name in a permanent record or book to be kept by the director for this purpose, and shall furnish the owner thereof with a receipt showing upon its face the license number issued for the vehicle and the fact that the license tax has been paid thereon for the whole or the remainder of the current year in which the receipt is issued. The director of finance shall also furnish the owner, upon the original registration of the vehicle, two number plates for the vehicle or one plate in the case of trailers, semi-trailers,

or motorcycles with the registration number marked thereon. [The rear number plate shall have impressed thereon the year for which that series of number plates was first issued and during that year the number plates alone shall be evidence of the payment of the license tax. For original registration in subsequent years and upon] Upon the payment of the tax for each year [subsequent to the year of original registration,] a tag or emblem bearing a serial number and the month and year of [issue] expiration shall be provided to the owner. Transfer of current number plates, tag, or emblem, except as authorized by this chapter or by chapter 286, is punishable by a fine of not more than $50 for each offense.

(b) Upon an original registration the director of finance shall fix, and shall charge to the owner, a fee equal to the cost of the number plate and tag or emblem plus the administrative cost of furnishing [such] the plate and tag or emblem and effecting the registration. Upon the issuance of a new series of number plates as determined by the directors of finance of each county through majority consent, the director of finance shall charge the owner a fee equal to the costs of the number plate plus the administrative cost of furnishing [such] the plates. Upon issuing a tag or emblem [in subsequent years], the director of finance shall charge the owner a fee of 50 cents. The owner shall securely fasten the number plates on the vehicle, one on the front and the other on the rear [thereof], at a location provided by the manufacturer or in the absence of such a location upon the bumpers of the vehicle and in conformance with section 291-31, in such a manner as to prevent the plates from swinging and at a minimum of twelve inches from the ground. Number plates shall at all times be displayed entirely unobscured and be kept reasonably clean. In the case of trailers, semi-trailers, or motorcycles, one plate shall be used and it shall be fastened to the rear thereof[.] at a location provided by the manufacturer or in the absence of such a location at the rear thereof, and in the case of motorcycles in conformance with section 291-31.

(c) Upon the issuance of the tag or emblem [in any year in which the number plates do not evidence the payment of the current year's tax and for each year subsequent to the year of the initial payment of the tax and the original registration of the vehicle,] the owner shall affix the tag or emblem to the top right portion of the rear number plate, except that all vehicles owned by the State, any county government, any board of water supply, and official representatives of any foreign governments shall be issued registrations which need be renewed only in the new plate issue year.

(d) After the initial payment of the tax and the original registration of a vehicle as herein specified, a motor vehicle shall not be required to be reweighed in any succeeding year unless it has been so altered or changed as to increase or diminish its weight. No new number plates shall, however, be issued to a new owner except as provided in sections 249-7.5 and 249-8.

(e) [Should] If an owner of a vehicle registered in any county, upon the disposition of the vehicle, [request] requests that the license plates furnished to the owner with respect to the registration of the vehicle be assigned to another vehicle subsequently acquired by the owner, the assignment may be made by the director of finance at the director's discretion. To defray additional administrative costs incurred by acceding to [such] those requests, the director of finance shall charge a fee of $5 for each [such] reassignment of license plates, in [lieu of] addition to the fee for registration [provided hereinafter]. The procedure for registering the vehicles shall otherwise be identical with that provided by this section.

[The director of finance shall, on or before the fifth day of each month, send to the chief of police of the county a list of the numbers issued by the director and of changes in ownership recorded by the director during the

preceding month, together with a general description of the vehicles and the name and address of the owner to whom issued or registered The chief of police shall retain each such list as a permanent record of the chief's office]"

SECTION 2 Section 249-9, Hawaii Revised Statutes, is amended to read as follows

"**§249-9 [Uniform number] Number plates; purchase.** The number plates hereinabove referred to shall be [uniform throughout the State and shall be] used upon all vehicles for which a tax has been paid pursuant to sections 249-1 to 249-13 All such plates shall bear the word "Hawaii", shall have a distinct contrast between the color of the plate and the numerals and letters thereon, and shall be of such shape, size, and color, and with such arrangements of letters and numbers as may, subject to sections 249-1 to 249-13, be determined by the directors of finance of each county through majority consent The numerals on all such plates shall be not less than three inches in height and the strokes thereof not less than three-eighths inch in width, except in the case of motorcycles, in which case the numerals shall not be less than one inch in height and the strokes thereof not less than one-eighth inch in width

The director of finance of the city and county of Honolulu shall contract annually on behalf of the counties for the purchase of all number plates, tags, or emblems required [The contract for the procurement of such plates, tags, or emblems shall specify a delivery date not later than September 1 of each year] The council of each county shall appropriate and cause to be paid over to the party with whom the director of finance of the city and county of Honolulu shall contract, or to the director of finance of the city and county of Honolulu as the director may direct, such sum or sums as the director of finance of the city and county of Honolulu shall determine to be the county's proportionate share of the expense of such contract and the charges connected therewith. The contract shall be made by the director of finance of the city and county of Honolulu as agent of the several counties, and the proportionate liability of each county shall be stated in the contract Notwithstanding any other provision of law, the contract shall constitute a valid obligation of each county for its proportionate share

The number plates for members of the Congress of the United States from the State shall designate their office and be of the type and color authorized for motor vehicles in the State, provided that the number on the plates of the United States senator and the United States representative shall be assigned in terms of seniority of service with the senator or representative having the greater length of service having the number "1" and consecutively thereafter for the others The director of finance of the city and county of Honolulu shall, in the director's procurement of the number plates on behalf of the counties, contract for the number plates of the members of Congress and all expenses connected therewith shall be paid by the respective members of Congress

Notwithstanding any other provision of law, any antique motor vehicle shall be issued a special number plate for a fee of $10 which plate shall be permanent and valid for use on such vehicles [without renewal] so long as the vehicle is in existence in lieu of the uniform state number plates In addition to the payment of any other fee required by law, applicable to antique motor vehicles, the owner of any such vehicle shall pay the fee for the issuance of the special license plate The registration numerals and special number plates assigned to antique motor vehicles shall be labeled "Horseless Carriage" and "Permanent" and shall run in a separate numerical series, commencing with Horseless Carriage No 1 "

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon approval.

(Approved June 15, 1990.)

ACT 133 H.B. NO. 2817

A Bill for an Act Relating to Parentage.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 584-15, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The judgment or order may contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. Upon neglect or refusal to give such security, or upon default of the father or his surety in compliance with the terms of the judgment, the court may order the forfeiture of any such security and the application of the proceeds thereof toward the payment of any sums due under the terms of the judgment and may also sequester the father's personal estate, and the rents and profits of his real estate, and may appoint a receiver thereof, and may cause the father's personal estate, including any salaries, wages, commissions, or other moneys owed to him and the rents and profits of his real estate, to be applied toward the meeting of the terms of the judgment, to the extent that the court, from time to time, deems just and reasonable. The judgment or order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The court may further order the noncustodial parent to reimburse the parent, the child, or any public agency for reasonable expenses incurred prior to entry of judgment, including support, maintenance, education, and funeral expenses expended for the benefit of the child."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 15, 1990.)

ACT 134 H.B. NO. 2843

A Bill for an Act Relating to Voters.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to allow a county clerk to remove a voter from the list of registered voters; provided that the voter wishes to be removed from the list and properly notifies the clerk pursuant to the procedures established by the chief election officer.

SECTION 2 Section 11-17, Hawaii Revised Statutes, is amended to read as follows

"**§11-17 Removal of names from register, when; reregistration.** (a) The clerk, not later than 4 30 p m on the sixtieth day after every general election, shall remove the name of any registered voter who did not vote in the election if the person also did not vote in the preceding primary election with the exception of (1) those who voted in the special election for election of members of the board of trustees of the office of Hawaiian affairs held in conjunction with the general election, or (2) those who submitted written requests for absentee ballots as provided in section 15-4 For this purpose "vote" means the depositing of the ballot in the ballot box whether the ballot is blank or later rejected for any reason In the case of voting machines "vote" means the voter has activated the proper mechanism and fed the vote into the machine

The clerk shall remove the name of any person registered to vote in the special election for election of members of the board of trustees of the office of Hawaiian affairs, who did not vote in the special election, did not vote in the general election held in conjunction with the special election, and did not vote in the preceding primary election

(b) The clerk shall also remove the name of any registered voter, if the clerk, after mailing a notice or other correspondence, properly addressed, with postage prepaid, receives the notice or other correspondence as return mail with a postal notation that the notice or other correspondence was not deliverable because the addressee has moved without leaving a forwarding address Persons who submit written requests for absentee ballots as provided in section 15-4 are excluded from this subsection

(c) The clerk may remove the name of any registered voter, if the voter so desires and properly notifies the clerk pursuant to the procedures established by the chief election officer

[(c)] (d) Any person whose name has been removed from the register, at any time prior to the closing of the register, as provided in section 11-24, may have that person's name restored in the register by presenting oneself to the clerk and reregistering pursuant to section 11-15, or by making application by mail or otherwise pursuant to procedures established by the clerk The clerk shall require satisfactory evidence to establish the identity of the applicant The names of all those persons shall be reentered in the register "

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 4 This Act shall take effect upon its approval

(Approved June 15 1990)

ACT 135 H B NO 2862

A Bill for an Act Relating to Counties

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 46-1 5, Hawaii Revised Statutes, is amended to read as follows

"**§46-1.5 General powers and limitation of the counties.** Subject to general law, each county shall have the following powers and shall be subject to the following liabilities and limitations:

(1) Each county shall have the power to frame and adopt a charter for its own self-government, which shall establish the county executive, administrative, and legislative structure and organization, including, but not limited to, the method of appointment or election of officials, their duties, responsibilities, and compensation, and the terms of their office.

(2) Each county shall have the power to provide for and regulate the marking and lighting of all buildings and other structures which may be obstructions or hazards to aerial navigation, so far as may be necessary or proper for the protection and safeguarding of life, health, and property.

(3) Each county shall have the power to enforce all claims on behalf of the county and approve all lawful claims against the county, but shall be prohibited from entering into, granting, or making in any manner any contract, authorization, allowance payment, or liability contrary to the provisions of any county charter or general law.

(4) Each county shall have the power to make contracts and to do all things necessary and proper to carry into execution all powers vested in the county or any county officer.

(5) Each county shall have the power to maintain channels, whether natural or artificial, including their exits to the ocean, in suitable condition to carry off storm waters; and to remove from the channels, and from the shores and beaches, any debris which is likely to create an unsanitary condition or to otherwise become a public nuisance; provided that to the extent any of the foregoing work is a private responsibility the responsibility may be enforced by the county in lieu of the work being done at public expense. Counties shall also have the power to construct, acquire by gift, purchase, or by the exercise of eminent domain, reconstruct, improve, better, extend, and maintain projects or undertakings for the control of and protection against floods and flood waters, including the power to drain and rehabilitate lands already flooded, and to enact zoning ordinances providing that lands deemed subject to seasonable or periodic, or occasional flooding shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof, as required by the Federal Flood Insurance Act of 1956 (chapter 1025, Public Law 1016).

(6) Each county shall have the power to exercise the power of condemnation by eminent domain when it is in the public interest to do so.

(7) Each county shall have the power to exercise such regulatory powers over business activity as are assigned to them by chapter 445, or other general law.

(8) Each county shall have the power to fix the fees and charges for all official services not otherwise provided for.

(9) Each county shall have the power to provide by ordinance for the improvement or maintenance assessments of districts within the county.

(10) Except as otherwise provided, each county shall have the power to, in any manner, give or loan credit to, or in aid of, any person or

corporation, and any indebtedness or liability incurred contrary to this paragraph shall be void

(11) Where not within the jurisdiction of the public utilities commission, each county shall have the power to regulate by ordinance the operation of motor vehicle common carriers transporting passengers within the county and adopt and amend such rules as the county deems necessary for the public convenience and necessity

(12) Each county shall have the power to enact and enforce ordinances necessary to prevent or summarily remove nuisances, and compel the clearing of refuse and uncultivated undergrowth from unoccupied lots, and in these connections impose and enforce liens upon the property for the cost to the county of completing the necessary work where the owners fail after reasonable notice to comply with the ordinances

(13) Each county shall have the power to enact ordinances deemed necessary to protect health, life, and property, and preserve the order and security of the county and its inhabitants on any subject or matter not inconsistent with, or tending to defeat, the intent of any state statute, provided also that the statute does not disclose or express an implied intent that the statute shall be exclusive or uniform throughout the State.

(14) Each county shall have the power to make and enforce within the limits of the county all necessary ordinances covering all local police matters and all matters of sanitation, inspection of buildings, condemnation of unsafe structures, plumbing, sewers, dairies, milk, fish, and morgues, and the collection and disposition of rubbish and garbage, to appoint county physicians and such sanitary and other inspectors as may be necessary to carry into effect ordinances made under this paragraph, who shall have the same power as given by law to agents of the department of health, subject only to such limitations as may be placed on them by the terms and conditions of their appointments, and to fix a penalty for the violations of any ordinance, which penalty may be a misdemeanor, petty misdemeanor, or violation as defined by general law

(15) Each county shall have the power to provide public pounds, to regulate the impounding of stray animals and fowl, and their disposition, and to provide for the appointment, powers, duties, and fees of animal control officers

(16) Each county shall have the power to purchase and otherwise acquire, lease, and hold real and personal property within the defined boundaries of the county and to dispose of the real and personal property as the interests of the inhabitants of the county may require, except that any property held for school purposes may not be disposed of without the consent of the superintendent of education, that no property bordering the ocean shall be sold or otherwise disposed of, and that all proceeds from the sale of park lands shall be expended only for the acquisition of property for park or recreational purposes

(17) Each county shall have the power to provide by charter for the prosecution of all offenses and to prosecute for offenses against the laws of the State under the authority of the attorney general of the State

(18) Each county shall have the power to make appropriations in amounts deemed appropriate from any moneys in the treasury, for

the purpose of community promotion and public celebrations, the entertainment of such distinguished persons as may from time to time visit the county, for the entertainment of other distinguished persons as well as public officials when deemed to be in the best interest of the community, and the rendering of civic tribute to individuals who, by virtue of their accomplishments and community service, merit civic commendations, recognition, or remembrance.

(19) Each county shall have the power to:

(A) Construct, purchase, take on lease, lease, sublease, or in any other manner acquire, manage, maintain, or dispose of buildings for county purposes, sewers, sewer systems, pumping stations, water works, including reservoirs, wells, pipelines, and other conduits for distributing water to the public, lighting plants, and apparatus and appliances for lighting streets and public buildings and manage, regulate, and control the same;

(B) Regulate and control the location and quality of all appliances necessary to the furnishing of water, heat, light, power, telephonic, and telegraphic service to the county; and

(C) Acquire, regulate, and control any and all appliances for the sprinkling and cleaning of the streets and the public ways and for flushing the sewers; and

(D) Open, close, construct, or maintain county highways or charge toll on county highways; provided that all revenues received from a toll charge shall be used for the construction or maintenance of county highways.

(20) Each county shall have the power to regulate the renting, subletting, and rental conditions of property for places of abode by ordinance.

(21) Unless otherwise provided by law, each county shall have the power to establish by ordinance the order of succession of county officials in the event of a military civil disaster.

(22) Each county shall have the power to sue and be sued in its corporate name.

(23) Each county shall have the power to establish and maintain water works and sewer works; to collect rates for water supplied to consumers and for the use of sewers; to install water meters whenever deemed expedient; provided that owners of premises having vested water rights under existing laws appurtenant to the premises shall not be charged for the installation or use of the water meters on the premises; to take over from the State existing water works systems, including water rights, pipelines, and other appurtenances belonging thereto, and sewer systems, and to enlarge, develop, and improve the same.

(24) Each county may impose civil fines, in addition to criminal penalties, for any [building or zoning code] violation <u>of county ordinances or rules</u> after reasonable notice and requests to correct <u>or cease</u> the violation have been made upon the violator. <u>Any civil fine may be administratively imposed after an opportunity for a hearing under chapter 91. Such a preceding[1] shall not be a prerequisite for any civil fine or injunctive relief ordered by the circuit court.</u>"

SECTION 2. This Act shall be liberally construed in order to accomplish the purposes set forth in this Act. Any portion of this Act judicially declared to be invalid shall not affect the remaining portions.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 15, 1990.)

Note

1. So in original.

ACT 136 H.B. NO. 2864

A Bill for an Act Relating to Criminal Injuries Compensation Commission.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $15,000, or 0.00058 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 2. Section 351-12, Hawaii Revised Statutes, is amended to read as follows:

"**§351-12 Tenure and compensation of members.** The term of office of each member of the criminal injuries compensation commission shall be four years or until the member's successor is appointed except that [(1) the terms of office of the members first taking office shall expire as designated by the governor at the time of the appointment, one on December 31, 1968, one on December 31, 1969, and one on December 31, 1970; and (2)] any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed, shall be appointed for the remainder of the term. Each member of the commission shall be eligible for reappointment, subject to section 26-34. A vacancy in the commission shall not affect its powers. If any member of the commission is unable to act because of absence, illness, or other sufficient cause, the governor may make a temporary appointment, and the appointee shall have all the powers and duties of a regular member of the commission for the period of the appointee's appointment.

Each member of the commission shall be compensated at the rate of $100 per day for each day's actual attendance to the member's duties[,]; provided [such] that the compensation shall not exceed a maximum of [$6,600] $10,000 per year. The members of the commission shall be paid their necessary traveling and subsistence expenses incurred in the discharge of their duties."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $15,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the purpose of increasing the annual maximum compensation of criminal injuries compensation commission members.

SECTION 4. The sum appropriated shall be expended by the department of public safety.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 1990.

(Approved June 15, 1990.)

ACT 137 H.B. NO. 2865

A Bill for an Act Relating to Compensation for Criminal Injuries.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $553,258.18, or 0.022 per cent. The reason for exceeding the general fund expenditure ceiling is that the appropriation made in this Act is necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of $553,258.18, or so much thereof as may be necessary for fiscal year 1990-1991, for the purpose of compensating certain persons or their providers of services pursuant to chapter 351, Hawaii Revised Statutes.

SECTION 3. The sum appropriated in section 1 of this Act shall be deposited in the criminal injuries compensation fund to be used for payments as authorized by the criminal injuries compensation commission. The sum appropriated shall be expended by the department of public safety for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 1990.

(Approved June 15, 1990.)

ACT 138 H.B. NO. 2876

A Bill for an Act Relating to Controlled Substances.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In reviewing the report to the Legislature of recommendations regarding the addition, deletion, or revisions in the schedules of controlled substances mandated by Section 329-11, Hawaii Revised Statutes, the Legislature finds that it is necessary not only to identify and regulate controlled substances and their derivatives but to identify and regulate their precursors in order to prevent the illegitimate manufacture and distribution of controlled

substances It is the purpose of this Act to identify and provide for the regulation of precursors to controlled substances to address this need, and to amend the existing controlled substance schedules to conform to existing federal law

SECTION 2 Chapter 329, Hawaii Revised Statutes is amended by adding a new part to be appropriately designated and to read as follows

"PART
PRECURSORS TO CONTROLLED SUBSTANCES

§329- **Short title.** This Act may be cited as the Regulation of Precursors to Controlled Substances Act

§329- **Substances subject to reporting.** Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of the following substances to any person in this State shall submit a report to the department of public safety of all of those transactions

(1) Ethylamine
(2) D-lysergic acid
(3) Ergotamine tartrate
(4) Piperidine
(5) N-acetylanthranilic acid
(6) Phenylacetic acid
(7) Anthranilic acid
(8) Propionic anhydride
(9) Isosafrole
(10) Safrole
(11) Piperonal
(12) Thionychloride
(13) Ergonovine maleate
(14) Any of the substances listed by the department of public safety in rules adopted pursuant to chapter 91

§329- **Proper identification.** (a) Any manufacturer, wholesaler retailer, or other person who receives from a source outside of the State any substance specified in section 329- prior to selling, transferring, or otherwise furnishing any substance specified in section 329- to a person in this State, shall require proper identification from the purchaser

(b) For the purposes of this section, "proper identification" means a motor vehicle operator's license or other official state-issued identification of the purchaser which contains a photograph of the purchaser, the residential or mailing address of the purchaser other than a post office box number or the tax map key number if no other address is available, the motor vehicle license number of any motor vehicle owned or operated by the purchaser, a letter of authorization from the business for which any substance specified in section 329- is being furnished, which includes the general excise license number and address of the business, a full description of how the substance is to be used, and the signature of the purchaser The person selling, transferring, or otherwise furnishing any substance specified in section 329- shall affix that person's signature as a witness to the signature and identification of the purchaser

(c) Any manufacturer, wholesaler, retailer or other person who does not obtain the proper identification as required by this section shall be fined not more than $5,000 or imprisoned not more than thirty days, or both

§329- **Report of transaction.** (a) Any manufacturer, wholesaler, retailer, or other person who sells, transfers, receives, or brings in from outside the State, or otherwise furnishes a substance specified in section 329- for use by a person in this State, not less than twenty-one days prior to delivery of the substance, shall submit a report of the transaction, which includes the identification information specified in section 329- to the department of public safety. However, the department of public safety may authorize the submission of the reports on a monthly basis with respect to repeated, regular transactions between the furnisher and the recipient involving the same substance if the department of public safety determines that either of the following exist:

(1) A pattern of regular supply of the substance exists between the manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes the substance and the recipient of the substance;

(2) The recipient has established a record of utilization of the substance for lawful purposes.

(b) The department of public safety shall provide a common reporting form for the substances in section 329- which contains at least the following information:

(1) Name of the substance;

(2) Quantity of the substance sold, transferred, or furnished;

(3) The date the substance was sold, transferred, or furnished;

(4) The name and address of the person buying or receiving the substance; and

(5) The name and address of the manufacturer, wholesaler, retailer, or other person selling, transferring, or furnishing such substance.

§329- **Exceptions.** This chapter shall not apply to any of the following:

(1) Any pharmacist or other authorized person who sells or furnishes a substance upon the prescription of a physician, dentist, podiatrist, or veterinarian.

(2) Any physician, dentist, podiatrist, or veterinarian who administers or furnishes a substance to patients.

(3) Any manufacturerer or wholesaler licensed by the State who sells, transfers, or otherwise furnishes a substance to a licensed pharmacy, physician, dentist, podiatrist, or veterinarian.

(4) Any sale, transfer, furnishing, or receipt of any drug which contains ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine and which is lawfully sold, transferred, or furnished over the counter without a prescription pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.) or regulations adopted thereunder.

§329- **Penalty.** (a) Any manufacturer, wholesaler, retailer or other person who does not submit a report as required by section 329- or who knowingly submits a report with false or fictitious information shall be fined not more than $5,000 or imprisoned not more than thirty days, or both.

(b) Any manufacturer, wholesaler, retailer or other person who has previously been convicted of violating subsection (a), upon a subsequent conviction thereof, shall be fined not more than $100,000 or imprisoned not more than one year, or both.

(c) Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of the substances listed in section 329- with knowledge or the intent that the recipient will use the substance to un-

lawfully manufacture a controlled substance shall be fined not more than $100,000 or imprisoned not more than five years, or both

§329- Theft, loss, and discrepancy reports. (a) The theft or loss of any substance regulated pursuant to section 329- discovered by any person regulated by this chapter shall be reported to the department of public safety within three days of the receipt of actual knowledge of the discrepancy

(b) Any report made pursuant to this section shall also include the name of the common carrier or person who transports the substance and date of shipment of the substance

§329- Permit for conduct of business; applications; forms; fees; renewal; violations. (a) Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any substance specified in section 329- for use by a person in this State or who receives from a source outside of the State any substance specified in section 329- shall obtain a permit for the conduct of that business from the department of public safety.

(b) Applications for permits shall be filed in writing and signed by the applicant, and shall set forth the name of the applicant, the business in which the applicant is engaged, the business address of the applicant, and a full description of any substance sold, transferred, or otherwise furnished, or received

(c) The department of public safety may grant permits which shall be effective for not more than one year from the date of issuance Applications and permits shall be uniform through the State, on forms prescribed by the department of public safety

(d) Each applicant shall pay at the time of filing an application for a permit a fee determined by the department of public safety which shall not exceed the applications processing costs

(e) A permit granted pursuant to this chapter may be renewed one year from the date of issuance, and annually thereafter, upon the filing of a renewal application and the payment of a permit renewal fee not to exceed the application processing costs

(f) (1) Any manufacturer, wholesaler, retailer or other person who sells, transfers, or otherwise furnishes, or receives any substance specified in section 329- without a permit shall be fined not more than $5,000 or imprisoned not more than thirty days, or both

(2) Any manufacturer, wholesaler, retailer or other person who has previously been convicted of violating subsection 329- (a), upon a subsequent conviction thereof shall be fined not more than $100,000 or imprisoned not more than one year, or both.

§329- Protection of records; divulging confidential information prohibited; penalties. (a) All records and information required under this chapter shall be kept confidential, provided that disclosure of records and information to authorized state and federal agencies is permissible

(b) The department of public safety shall adopt and enforce rules as may be necessary to prevent improper acquisition or use of confidential information

(c) Any manufacturer, wholesaler, retailer or other person, including one who is authorized to obtain information, who, knowing the information obtained is from confidential records or files, intentionally discloses the records or information other than authorized by law, or who intentionally or knowingly aids or abets in the inspection or disclosure of such records or information by any person not authorized to inspect such records and information, shall be imprisoned not more than thirty days or fined not more than $5,000, or both.

§329- **Subpoena powers.** Subject to the privileges which witnesses have in the courts of this State, the director or the director's designated subordinate is empowered pursuant to and in accordance with the rules of court to subpoena witnesses, examine them under oath and require the production of books, papers, documents or objects where the director reasonably believes the information sought is relevant or material to enforcement of this part. Books, papers, documents, or objects obtained pursuant to exercise of these powers may be retained by the director or the director's designate for a reasonable period of time for the purpose of examination, audit, copying, testing, or photographing. Upon application by the director, obedience to the subpoenas may be enforced by the circuit court in the county where the person subpoenaed resides or is found in the same manner as a subpoena issued by the clerk of a circuit court.

§329- **Forfeiture.** Precursor chemicals that are possessed, transferred, sold or offered for sale in violation of this part shall be subject to seizure and forfeiture as provided in Chapter 712A."

SECTION 3. Section 329-14, Hawaii Revised Statutes, is amended to read as follows:

"**§329-14 Schedule I.** (a) The controlled substances listed in this section are included in Schedule I.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetylmethadol;
(2) Allylprodine;
(3) Alphacetylmethadol;
(4) Alphameprodine;
(5) Alphamethadol;
(6) Alpha-Methylfentanyl;
(7) Benzethidine;
(8) Betacetylmethadol;
(9) Betameprodine;
(10) Betamethadol;
(11) Betaprodine;
(12) Clonitazene;
(13) Dextromoramide;
(14) Diampromide;
(15) Diethylthiambutene;
(16) Difenoxin;
(17) Dimenoxadol;
(18) Dimepheptanol;
(19) Dimethylthiambutene;
(20) Dioxaphetyl butyrate;
(21) Dipipanone;
(22) Ethylmethylthiambutene;
(23) Etonitazene;
(24) Etoxeridine;
(25) Furethidine;
(26) Hydroxypethidine;
(27) Ketobemidone;
(28) Levomoramide;

(29) Levophenacylmorphan,
(30) Morpheridine,
(31) Noracymethadol,
(32) Norlevorphanol,
(33) Normethadone,
(34) Norpipanone,
[(35) Parahexyl,]
(35) Para-fluorofentanyl,
(36) Phenadoxone,
(37) Phenampromide,
(38) Phenomorphan,
(39) Phenoperidine,
(40) Piritramide,
(41) Proheptazine,
(42) Properidine,
(43) Propiram,
(44) Racemoramide,
(45) Tilidine,
(46) Trimerperidine,
(47) N-[1-(1-methyl-2-phenyl)ethyl-4-piperidyl]-N-phenylacetamide (acetyl-alpha-methylfentanyl),
(48) N-[1-(1-methyl-2-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide (alpha-methylthiofentanyl),
(49) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide(benzyl-fentanyl),
(50) N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (beta-hydroxyfentanyl),
[(51) N-[3-methyl-1-(2-hydroxy-2-phenyl)-ethyl-4-piperidy]-N-phenylpropanamide(beta-hydroxy-3-methylfentanyl),]
(51) N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanahide beta-hydroxy-3-methylfentanyl),
(52) N-[3-methyl-1-(2-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide (3-methylthiofentanyl),
(53) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide(thenylfentanyl),
[(54) N-[1-(2-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide(thiofentanyl)]
(54) N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (thiofentanyl),
(55) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP),
(56) 1-(2 phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP),
(57) 3-Methylfentanyl

(c) Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation

(1) Acetorphine,
(2) Acetyldihydrocodeine,
(3) Benzylmorphine,
(4) Codeine methylbromide
(5) Codeine-N-Oxide,
(6) Cyprenorphine,
(7) Desomorphine,
(8) Dihydromorphine,
(9) Drotebanol,
(10) Etorphine,

(11) Heroin;
(12) Hydromorphinol;
(13) Methyldesorphine;
(14) Methyldihydromorphine;
(15) Morphine methylbromide;
(16) Morphine methylsulfonate;
(17) Morphine-N-Oxide;
(18) Myrophine;
(19) Nicocodeine;
(20) Nicomorphine;
(21) Normorphine;
(22) Phoclodine;
(23) Thebacon.

(d) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) 2,5-dimethoxyamphetamine (2,5-DMA);
(2) 3,4-methylenedioxy amphetamine;
(3) 3,4-methylenedioxymethamphetamine (MDMA);
[(4) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);]
(4) N-hydroxy-3,4-methylenedioxyamphetamine (N-hydroxy-MDA);
(5) 3,4-methylenedioxy-N-ethylamphetamine (MDE);
[(5)] (6) 5-methoxy-3,4-methylenedioxy-amphetamine;
[(6)] (7) 4-bromo-2,5-dimethoxy-amphetamine(4-bromo-2,5-DMA)
[(7) 1-(2 phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP);]
(8) 3,4,5-trimethoxy amphetamine;
(9) Bufotenine;
(10) 4-methoxyamphetamine (PMA);
[(11) Fenethylline;
(12)] (11) Diethyltryptamine;
[(13)] (12) Dimethyltryptamine;
[(14)] (13) 4-methyl-2,5-dimethoxy-amphetamine;
[(15)] (14) Ibogaine;
[(16)] (15) Lysergic acid diethylamide;
[(17)] (16) Marijuana;
(17) Parahexyl;
(18) Mescaline;
(19) Peyote;
(20) N-ethyl-3-piperidyl benzilate;
(21) N-methyl-3-piperidyl benzilate;
(22) Psilocybin;
(23) Psilocyn;
(24) 1-[1-(2-Thienyl)cyclohexyl]Pyrrolidine (TCPy);
[(24)] (25) Tetrahydrocannabinols;
[(25)] (26) Ethylamine analog of phencyclidine (PCE);
[(26)] (27) Pyrrolidine analog of phencyclidine (PCPy, PHP);
[(27)] (28) Thiophene analog of phencyclidine (TPCP;TCP).

(e) Unless specifically excepted, the schedule shall include any material, compound, mixture, or preparation which contains any quantity[1] of the substance methaqualone.

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any

quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Fenethylline;
(2) N-ethylamphetamine;
(3) 4-methylaminorex;
(4) N,N-dimethylamphetamine."

SECTION 4. Section 329-16, Hawaii Revised Statutes, is amended to read as follows:

"**§329-16 Schedule II.** (a) The controlled substances listed in this section are included in Schedule II.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.
(3) Opium poppy and poppy straw.
(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine; cocaine or any salt of' isomer thereof.

(c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alfentanil;
(2) Alphaprodine;
(3) Anileridine;
(4) Bezitramide;
(5) Bulk Dextropropoxyphene (nondosage form);
(6) Carfentanil;
[(6)] (7) Dihydrocodeine;
[(7)] (8) Diphenoxylate;
[(8)] (9) Fentanyl;
[(9)] (10) Isomethadone;
[(10)] (11) Levomethorphan;
[(11)] (12) Levorphanol;
[(12)] (13) Metazocine;
[(13)] (14) Methadone;
[(14)] (15) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
[(15)] (16) Moramide-Intermediate,2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
[(16)] (17) Pethidine;
[(17)] (18) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

[(18)] (19) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
[(19)] (20) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
[(20)] (21) Phenazocine;
[(21)] (22) Piminodine;
[(22)] (23) Racemethorphan;
[(23)] (24) Racemorphan;
[(24)] (25) Sufentanil.

(d) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Amobarbital;
(2) Pentobarbital;
(3) Phencyclidine;
(4) Phencyclidine immediate precursors:
(A) 1-phenycyclohexylamine;
(B) 1-piperidinocyclohexanecarbonitrile (PCC);
(5) Secobarbital.

(e) Stimulants. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a danger or probable danger associated with a stimulant effect on the central nervous system[;]:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
(2) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a degree of danger or probable danger associated with a stimulant effect on the central nervous system:

(1) Phenmetrazine and its salts;
(2) Phenylacetone (P2P);
(3) Methylphenidate.

(g) Hallucinogenic substances, including but not limited to:[1]

(1) Dronabinol (synthetic), in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product[.]; and
(2) Nabilone."

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, or proceedings that commenced prior to it effective date.

SECTION 6. Statutory material to be repealed is bracketed, except bracketed material contained within the name of a substance listed in section 3 of this Act. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval; provided that Section 2 shall take effect on January 1, 1991.

(Approved June 15, 1990.)

Note

1. So in original.

ACT 139 H B NO 2878

A Bill for an Act Relating to Meat Inspection

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Chapter 159, Hawaii Revised Statutes, is amended by adding a new part, to be appropriately designated and to read as follows

"PART . EXOTIC ANIMALS; REIMBURSABLE INSPECTION

§159- Inspection of exotic animals. Persons desiring certification as to wholesomeness and unadulteration for meat and meat products derived from exotic animals may request the department to conduct an inspection under this chapter

§159- Reimbursement for inspection. The department may perform inspection of meat and meat products derived from exotic animals when requested by persons desiring such inspection Persons requesting and receiving inspection service under this part shall reimburse the State for all costs incurred by the State in the provision of the service All such reimbursements shall be deposited into the general fund

§159- Conduct of exotic animal inspection. Inspection of exotic animals, their carcasses, and meat and meat products derived therefrom, shall be conducted in accordance with this chapter and rules adopted pursuant to this chapter Persons requesting and receiving inspection service under this part, and the meat and meat products derived from exotic animals that are inspected by the department under this part, shall be subject to all requirements and penalties of this chapter and of the rules adopted under this chapter.

§159- Prohibitions. The preparation, sale, offering for sale, or transportation or receipt for transportation in intrastate commerce of meat and meat products derived from exotic animals, unless inspected and passed as provided for under this part, is prohibited Violators shall be subject to all requirements and penalties of this chapter "

SECTION 2 Section 159-3, Hawaii Revised Statutes, is amended as follows

1 By amending the definition of "adulterated" to read.

" "Adulterated" shall apply to any carcass, part thereof, meat or meat products under one or more of the following circumstances

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health, but in case the substance is not an added substance, the meat [and] or meat products shall not be considered adulterated under this paragraph if the quantity of the substance in or on the meat [and] or meat products does not ordinarily render it injurious to health

(2) (A) If it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance[,] (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive, or (iii) a color additive) which [may], in the

judgment of the board, may make the meat [and] or meat products unfit for human consumption.

(B) If it is, in whole or in part, a raw agricultural commodity and the commodity bears or contains a pesticide chemical which is unsafe within the meaning of the Hawaii Food, Drug, and Cosmetic Act or section 408 of the Federal Food, Drug, and Cosmetic Act.

(C) If it bears or contains any food additive which is unsafe within the meaning of the Hawaii Food, Drug, and Cosmetic Act or section 409 of the Federal Food, Drug, and Cosmetic Act.

(D) If it bears or contains any color additive which is unsafe within the meaning of the Hawaii Food, Drug, and Cosmetic Act or section 706 of the Federal Food, Drug, and Cosmetic Act, provided that meat [and] or meat products which are unadulterated under subparagraphs (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on the meat [and] or meat products is prohibited by [regulations] rules of the board in establishments at which inspection is maintained under part IV [of this chapter].

(3) If it consists, in whole or in part, of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food.

(4) If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

(5) If it is, in whole or in part, the product of an animal which had died otherwise than by slaughter.

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(7) If it has been intentionally or unintentionally subjected to radiation, unless the use of the radiation was in conformity with a rule, regulation, or exemption in effect pursuant to the Hawaii Food, Drug, and Cosmetic Act or section 409 of the Federal Food, Drug, and Cosmetic Act.

(8) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(9) If it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance."

2. By amending the definition of "animal food manufacturer" to read:

" "Animal food manufacturer" means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses[,] or parts or products of the carcasses of cattle, sheep, swine, goats, horses, mules, [or] other equines[.], or exotic animals."

3 By adding four new definitions to be appropriately inserted and to read

" "Certification" means the act of applying the official certificate or official mark by persons performing official functions under this chapter

"Commercial carrier" means any person owning, controlling, operating, or managing any vehicle, directly or indirectly, for public use in the transportation of goods or passengers for compensation over land or water, or by air

"Exotic animal" means any cloven-hoofed ruminant animal considered feral in nature, other than domestic cattle, sheep, goats, or equines For the purposes of this chapter, domestic rabbits shall be considered exotic animals

"Federal Meat Inspection Act" means the Act so entitled, approved March 4, 1907 (34 Stat 1260) as amended by the Wholesome Meat Act of 1967 (81 Stat 584), including any amendments thereto "

4 By amending the definition of "labeling" to read.

" "Labeling" means all labels and other written, printed, or graphic matter upon any meat [and] or meat products or any of its containers or wrappers, or accompanying the meat [and] or meat products "

5 By amending the definition of "meat broker" to read

" "Meat broker" means any person[,] who sells or offers to sell, or buys or offers to buy, carcasses, parts of carcasses, meat or meat products of cattle, sheep, swine, goats, horses, mules, [or] other equines, or exotic animals on commission or who otherwise negotiates the purchase [or],sale, or exchange of the meat or meat products other than for the person's own account or as an employee of another person "

6 By deleting the definition of "Meat Inspection Act"

[" "Meat Inspection Act" means the Act so entitled, approved March 4, 1907 (34 Stat 1260), as amended by the Wholesome Meat Act of 1967 (81 Stat 584), including any amendments thereto "]

7. By amending the definition of "meat or meat products" to read

" "Meat or meat products" means any product capable of use as human food which is made wholly or in part from any meat or other portions of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of the carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from the definition as meat products by the board under the conditions as it may prescribe to assure that the meat or other portions of the carcasses contained in the products are not adulterated and that the products are not represented as meat products This term as applied to food products of equines shall have a meaning comparable to that provided in this [subsection] definition with respect to cattle, sheep, swine, and goats "

8 By adding a new definition to be appropriately inserted and to read

" "Meat or meat products derived from exotic animals" means any product capable of use as human food which is made wholly or in part from any meat or other portions of the carcass of any exotic animal, excepting products which contain meat or other portions of the carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from the definition as meat products by the board under the conditions as it may prescribe to assure that the meat or other portions of the carcasses contained in the products are not adulterated and that the products are not represented as meat products "

9 By amending the definition of "misbranded" to read

" "Misbranded" shall apply to any carcass, part thereof, meat or meat products under one or more of the following circumstances:

(1) If its labeling is false or misleading in any particular

(2) If it is offered for sale under the name of another food.
(3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated.
(4) If its container is made, formed, or filled as to be misleading.
(5) If in a package or other container unless it bears a label showing:
  (A) The name and place of business of the manufacturer, packer, or distributor.
  (B) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided that [under subparagraph (B) of this paragraph,] reasonable variations may be permitted and exemptions as to small packages may be prescribed by the board.
(6) If any word, statement, or other information required by or under authority of this chapter to appear on the label or other labeling is not prominently placed thereon with the conspicuousness as compared with other words, statements, designs, or devices, in the labeling and in the terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
(7) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by the board under this chapter unless:
  (A) It conforms to the definition and standard.
  (B) Its label bears the name of the food specified in the definition and standard and, insofar as may be required by the regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in the food.
(8) If it purports to be or is represented as a food for which a standard of fill of container has been prescribed by the board under this chapter, and it falls below the standard of fill of container applicable thereto, unless its label bears, in the manner and form as the board prescribes, a statement that it falls below the standard.
(9) If it is not subject to paragraph (7), unless its label bears:
  (A) The common or usual name of the food, if any there be.
  (B) In case it is fabricated from two or more ingredients, the common or usual name of each ingredient; except that spices, flavorings, and colorings may with the approval of the board be designated as spices, flavorings, and colorings without naming each; provided that to the extent that compliance with the requirements of this subparagraph [(B) of this paragraph (9)] is impracticable, or results in deception or unfair competition, exemptions shall be established by the board.
(10) If it purports to be or is represented for special dietary uses, unless its label bears the information concerning its vitamin, mineral, and other dietary properties as the board, after consultation with the [secretary of agriculture] Secretary of Agriculture and concurrence by the department of health, determines to be and prescribes as necessary in order fully to inform purchasers as to its value for the uses.
(11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided that to the extent that compliance with this paragraph [(11)] is impracticable, exemptions shall be established by the board.

(12) If it fails to bear, directly thereon or on its container, as the board may prescribe, the inspection legend and, unrestricted by any of the foregoing, other information as the board may require to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the meat [and] or meat products in a wholesome condition "

10 By amending the definition of "official certificate" to read:

" "Official certificate" means any certificate prescribed by the board for issuance by veterinarians, inspectors, or other persons performing official functions under this chapter "

11. By amending the definition of "official inspection legend" to read:

" "Official inspection legend" means any symbol prescribed by the board showing that meat [and] or meat products were inspected and passed in accordance with this chapter "

12 By amending the definition of "official mark" to read

" "Official mark" means the official inspection legend or any other symbol prescribed by the board to identify the status of any meat [and] or meat products or animal under this chapter "

13. By amending the definition of "pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" to read·

" "Pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meanings for purposes of this chapter as under the Federal Food, Drug, and Cosmetic Act."

14. By amending the definition of "renderer" to read

" "Renderer" means any person engaged in the business of rendering carcasses, or part or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, [or] other equines, or exotic animals, except rendering conducted under inspection under part IV [of this chapter] "

15 By amending the definition of "Secretary of agriculture" to read.

" "Secretary of [agriculture] Agriculture" means the [secretary of agriculture] Secretary of Agriculture of the United States "

16. By amending the definition of "wholesaler" to read

" "Wholesaler" means any person[,] who buys or sells carcasses, parts of carcasses, meat or meat products of cattle, sheep, swine, goats, horses, mules, [or] other equines, or exotic animals in trade channels other than retail For the purpose of this chapter, a wholesaler who also has retail operations will be deemed to be a wholesaler " "

SECTION 3 Section 159-7, Hawaii Revised Statutes, is amended to read as follows

"**[[]§159-7[]] General powers.** The department through its board is hereby vested with the following powers

(1) Regulate, supervise, inspect, and control the manufacture, processing, slaughtering, transportation, packaging, labeling, and disposal of meat or meat products involved in intrastate commerce

(2) Adopt, amend, and repeal rules [and regulations] as are necessary to implement this chapter, subject to chapter 91, on the following matters.

(A) The issuance of licenses, including the class of licenses to be issued

(B) The type of equipment or facilities which may be used in slaughtering and meat processing operations.
(C) The internal operations of [a slaughterhouse] slaughterhouses and of meat processing establishments.
(D) Inspection procedures for ante-mortem and post-mortem inspections and the reinspection of meat or meat products used in processing and the disposal of diseased carcasses and parts of carcasses and meat or meat products found unwholesome or otherwise unfit for human consumption.
(E) The hours of slaughtering, processing, and conditions under which slaughtering and processing may be conducted at other than scheduled times.
(F) The labeling and packaging of meat or meat products.
(G) Storing, handling, and transportation of meat or meat products.
(H) Sanitary conditions of all establishments where meat or meat products are slaughtered, processed, or prepared.
(I) Any other matter as may be necessary or desirable to effectuate the [purpose] purposes of this chapter.

(3) Provide for the inspection and certification of meat derived from exotic animals when these services are requested by producers of these products, and obtain from users of these services reimbursement for all costs incurred in the provision of these services."

SECTION 4. Section 159-11, Hawaii Revised Statutes, is amended to read as follows:

"[~~§159-11~~] **Certificate of sanitation.** (a) The board may issue certificates of sanitation to slaughterhouses, meat processors, and animal food manufacturers which are subject to this chapter and which meet minimum sanitary specifications required for:

(1) The slaughtering of animals for use of the meat or meat products in intrastate commerce.
(2) [For the] The processing, rendering, transporting, storing, and handling of the meat or meat products in intrastate commerce. The board may [promulgate and] adopt rules, [and regulations] subject to chapter 91, governing the minimum sanitary specifications and prescribing forms, requiring reports, and providing for periodic renewals of such certificates.

(b) Notwithstanding any requirement under this chapter or the rules [and regulations promulgated hereunder] adopted under this section which require the renovation or upgrading of the physical facilities of slaughterhouses, meat processors, or animal food manufacturers in order to obtain a certificate of sanitation, the board [shall], as of July 1, 1969, shall continue to issue certificates of sanitation to slaughterhouses now licensed by the State, and to meat processors and animal food manufacturers who are in business, to continue their operations; provided that [the]:

(1) The facilities of the slaughterhouses, meat processors, and animal food manufacturers shall be sanitary and that the products which emerge from their respective operations are wholesome, not adulterated, and fit for human and other consumption; and [provided further that upon]
(2) Upon the sale or transfer of any of the foregoing businesses, the [purchasers] person to whom the business is transferred shall be

required to meet all of the requirements provided [herein] in and the rules [and regulations promulgated] adopted [hereunder.] under this chapter."

SECTION 5. Section 159-27, Hawaii Revised Statutes, is amended to read as follows:

"[~~§159-27~~] **Inspector.** [Veterinarian and inspector] Veterinarians and inspectors shall examine and inspect all cattle, sheep, swine, goats, horses, mules, and other equines the inspection of which is hereby provided for, and [of] all carcasses and parts thereof, and [of] all [meats] meat or meat products thereof, and [of] the sanitary conditions of all establishments in which the meat or meat products are prepared; [and the veterinarian and inspectors] veterinarians and inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat products therefrom, prepared in any establishment, until the same shall have actually been inspected and found to be unadulterated; and veterinarians and inspectors shall perform other duties as are provided by this chapter and by the rules [and regulations to be prescribed] adopted by the board and the board [shall], from time to time, [make] shall adopt such rules [and regulations] in accordance with chapter 91 which are necessary for the efficient execution of this chapter, and all inspections and examinations made under this chapter shall be [and] made in a manner as described in the rules [and regulations prescribed] adopted by the board not inconsistent with this chapter."

SECTION 6. Section 159-28, Hawaii Revised Statutes, is amended to read as follows:

"[~~§159-28~~] **Bribery.** Any person or employee of any person, who shall give, pay, or offer, directly or indirectly, to any inspector, or any other officer or employee of the State authorized to perform any of the duties prescribed by this chapter or by the rules [and regulations] of the board, any money or other thing of value, with intent to influence the inspector, or other officer or employee of this State, in the discharge of any duty shall be [fined not more than $5,000 or imprisoned not more than three years, or both; and any] guilty of a Class C felony; provided the minimum sentence shall be a $5,000 fine and a three-year term of imprisonment. Any inspector, or other officer or employee of this State authorized to perform any of the duties prescribed by this chapter, who shall accept any money, gift, or other thing of value from any person, or officers, agents, or employees thereof, given with intent to influence the inspector's, officer's,[1] or employee's official action, or who shall receive or accept from any person engaged in intrastate commerce subject to this chapter any gift, money, or other thing of value given with or without intent to influence the inspector's, officer's, or employee's official actions, shall be discharged from office and [be fined not more than $5,000 or imprisoned not more than three years, or both."] shall be guilty of a class C felony, provided the minimum fine shall be $1,000."

SECTION 7. Section 159-29, Hawaii Revised Statutes, is amended to read as follows:

"**§159-29 Exemptions.** (a) This chapter requiring inspection of the slaughtering of animals and the preparation of the carcasses, parts thereof, and meat or meat products at establishments conducting such operations shall not apply:

(1) To the slaughtering by any person of animals of the person's own raising, and the preparation and transportation by the person of the

carcasses, parts thereof, and meat or meat products of the animals exclusively for use by the person [and], members of the person's household, and the person's nonpaying guests and employees; provided that the slaughter of the animals is performed in compliance with part II[,] of chapter 146.

(2) To the custom slaughter by any person of cattle, sheep, swine,[1] or goats delivered by the owner thereof or the owner's agent for slaughter, and the preparation by [slaughter] that slaughterer of the carcasses, parts thereof, and meat or meat products of the animals[,] exclusively for use, in the household of the owner, by the owner, [and] members of the owner's household, and the owner's nonpaying guests and employees; [provided that the custom slaughterer does not engage in the business of buying or selling any carcasses, parts of carcasses, meat or meat products of any cattle, sheep, swine, goats or equines, capable of use as human food; and provided further that the] nor;

(3) To the custom preparation by any person of carcasses, parts thereof, and meat or meat products derived from the slaughter by any person of cattle, sheep, swine, or goats of the owner's own raising or from exotic animals delivered by the owner thereof for that custom preparation, and transportation of those custom prepared articles exclusively for use, in the household of the owner, by the owner, members of the owner's household, and the owner's nonpaying guests and employees.

(4) To the person engaging in custom operations at an establishment at which inspection under this chapter is maintained; provided that:

(A) Any carcasses, parts thereof, and meat or meat products wherever handled on a custom basis, or any containers or packages containing those articles, are separated at all times from carcasses, parts thereof, and meat or meat products prepared for sale; and

(B) All articles prepared on a custom basis, or any containers or packages containing such articles, are plainly marked "not for sale" immediately after being prepared and kept so identified until delivered to the owner.

A person conducting custom exempt operations shall be registered with the board as a custom exempt operator under this paragraph and obtain a permit for exemption from the board to conduct those operations. The board may refuse, withdraw, or modify any permit for exemption under this paragraph in its discretion whenever it determines the action is necessary to effectuate the purposes of this chapter.

(b) The custom slaughter of animals and preparation of meat or meat products shall be conducted in accordance with the sanitary conditions[,] and the recordkeeping, registration, and disease control provisions [as] that the board may prescribe.

[(b)] (c) The transportation by commercial carrier of carcasses, parts thereof, or meat or meat products produced without inspection under subsection (a) [of this section] is prohibited, except under permit issued by the board.

[(c)] (d) This chapter requiring inspection of meat or meat products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale at the establishments in normal retail quantities or service of meat or meat products to consumers[,]; provided that the

meat or meat products shall have been inspected and passed previously in compliance with this chapter and that the preparation, handling, and storage of meat or meat products is conducted in accordance with the sanitary conditions [as] that the board may prescribe

[(d)] (e) In order to accomplish the objectives of this chapter, the board [may by regulation], by rule, may exempt operations which the board determines would best be exempted to further the purposes of this chapter, to the extent that the exemptions conform to the Federal Meat Inspection Act and the regulations thereunder

[(e)] (f) The adulteration and misbranding provisions of this chapter, other than the requirement of the official inspection legend, shall apply to meat or meat products which are not required to be inspected under this section "

SECTION 8 Section 159-36, Hawaii Revised Statutes, is amended to read as follows

"**[|§159-36|] Inspection and sanitary requirements; sale; transportation.** The board may provide for inspection and sanitary requirements under part IV [of this chapter] at any establishment for the slaughter of cattle, sheep, swine, goats, horses, mules, or other equines, or the preparation of any carcasses or parts or products of animals, which are not intended for use as human food, but the meat or meat products [shall], prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, shall be denatured or otherwise identified as prescribed by the board to deter their use for human food No person shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses, parts thereof, or meat or meat products of any animals, which are not intended for use as human food unless they are denatured or otherwise identified as required by the [regulations of] rules adopted by the board or are naturally inedible by humans "

SECTION 9 Section 159-37, Hawaii Revised Statutes, is amended to read as follows

"**[|§159-37|] Records; subject to examination.** (a) For the enforcement of this chapter, the following classes of persons shall keep records as the board may prescribe and all persons subject to the requirements shall, at all reasonable times, upon notice by a duly authorized representative of the board, afford the representative and any duly authorized representative of the [secretary of agriculture] Secretary of Agriculture accompanied by the representative of the board access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all [such] of those records, and to take reasonable samples of their inventory upon payment of the fair market value therefor

(1) Any person who engages, in or for intrastate commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules, or other equines, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any animals, for use as human food or animal food

(2) Any person who engages in the business of buying or selling as meat broker, wholesaler or otherwise, or transporting in intrastate commerce, or storing in or for commerce, any carcasses, or parts or products of carcasses, of any animals

(3) Any person who engages in business, in or for intrastate commerce, as renderer, or [engage] engages in the business of buying, selling, or transporting, in commerce, any dead, dying, disabled, or diseased

cattle, sheep, swine, goats, horses, mules, or other equines, or parts of the carcasses of such animals that died otherwise than by slaughter.

(4) Any person who engages in the business of custom slaughtering or preparing any cattle, sheep, swine, goats, horses, or other equines for use as human food or animal food.

(b) Any record required to be maintained by this section shall be maintained for the period of time as the board may prescribe."

SECTION 10. Section 159-39, Hawaii Revised Statutes, is amended to read as follows:

"[~~§159-39~~] **Dead, dying, disabled, or diseased animals.** No person engaged in the business of buying, selling, or transporting in intrastate commerce, dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale [~~for~~] or transportation, or receive for transportation, in commerce, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules,[1] or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless the transaction or transportation is made in accordance with the [~~regulations as~~] rules that the board may [~~prescribe~~] adopt to assure that the animals, or the [~~unwholesome~~] parts or products thereof, will be prevented from being used for human food purposes."

SECTION 11. Section 159-46, Hawaii Revised Statutes, is amended to read as follows:

"[~~§159-46~~] **Inspection; overtime compensation.** All animals slaughtered by any slaughterhouse duly licensed under this part shall be inspected by an inspector duly authorized by the department, both before and after slaughtering, and no animal shall be slaughtered, or after slaughter be sold, transported, offered for sale or transportation, or received for transportation in [~~intrastate~~] commerce unless the slaughtering thereof or the use thereof in [~~intrastate~~] commerce, after slaughtering, is approved by an inspector.

The management of any processing establishment, slaughterhouse, or the owner of any animal to be slaughtered requiring the services of an inspector in excess of eight consecutive hours on any [~~work day,~~] workday, or [~~on Sundays,~~] in excess of forty hours in any workweek, or [~~other~~] on legal holidays, shall pay to the department for overtime inspection services, the current state overtime rate for each [~~man-hour~~] hour of work performed by the inspector.

The department shall pay the inspector for all overtime inspection services performed; provided that the party requesting or requiring the overtime inspection services shall sufficiently in advance of the overtime period arrange with the department for the services."

SECTION 12. Section 159-48, Hawaii Revised Statutes, is amended to read as follows:

"**§159-48 Refusal and withdrawal of inspection.** The board [~~may~~], for the period, or indefinitely, as it deems necessary to effectuate the purposes of this chapter, may refuse to provide, or withdraw, inspection service under this chapter with respect to any establishment if it determines, after opportunity for a hearing is accorded to the applicant for[~~,~~] or a recipient of the service, that the applicant or recipient is unfit to engage in any business requiring inspection

under this chapter because the applicant or recipient, or anyone responsibly connected with the applicant or recipient, has been convicted, in any federal or state court, of (1) any felony, or (2) more than one violation of any law, based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food This section shall not affect, in any way, the other provisions of this chapter for withdrawal of inspection services from establishments failing to maintain sanitary conditions or to destroy condemned carcasses, parts thereof, or meat or meat products

For the purpose of this section a person shall be deemed to be responsibly connected with the business if the person was a partner, officer, director, holder, or owner of ten per cent or more of its voting stock or an employee in a managerial or executive capacity The determination and order of the board with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the appropriate court as provided in part VII Judicial review of any such order shall be upon the record upon which the determination and order are based "

SECTION 13 Section 159-51, Hawaii Revised Statutes, is amended to read as follows

"[~~§159-51~~] **Interstate and federal compacts.** (a) The board is hereby designated as the state agency which [shall be] is responsible for cooperating with the [secretary of agriculture] Secretary of Agriculture under section 301 of the Federal Meat Inspection Act, and the board is directed to cooperate with the [secretary of agriculture] Secretary of Agriculture in [developing and] administering the meat inspection program of this State under this chapter to assure that [not later than November 15, 1969,] its requirements [will be] remain at least equal to those imposed under [titles I and IV of] the Federal Meat Inspection Act and in [developing and] administering the program of this State under this chapter in a manner [as] that will effectuate the purposes of this chapter [and], the Federal Meat Inspection Act[ ], and rules and regulations adopted thereunder

(b) In cooperative efforts, the board may accept from the [secretary of agriculture] Secretary of Agriculture advisory assistance in [planning and otherwise developing] administering the state program, technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment, and financial and other aid for administration of the program

(c) The board may recommend to the [secretary of agriculture] Secretary of Agriculture, the officials or employees of this State as the board shall designate[,] for appointment to the advisory committees provided for in section 301 of the Federal Meat Inspection Act, and the board shall serve as the representative of the governor for consultation with the [secretary of agriculture of the United States] Secretary of Agriculture under paragraph (c) of section 301 of the Federal Meat Inspection Act unless the governor shall select another representative '

SECTION 14 Section 159-52, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows

"(a) Whenever any carcass, part of a carcass, or meat[,] or meat product of cattle, sheep, swine goats, horses, mules or other equines or any product exempted from the definition of a meat or meat product or any dead, dying, disabled, or diseased cattle, sheep, swine, goat, or equine is found by any

authorized representative of the board upon any premises where it is held for purposes of, or during or after distribution in, intrastate commerce and there is reason to believe that any meat or meat product is adulterated or misbranded and is capable of use as human food, or that it has not been inspected in violation of this chapter [or of], the Federal Meat Inspection Act, or the Hawaii or Federal Food, Drug, and Cosmetic Act, or that the meat or meat product or animal has been or is intended to be distributed in violation of any provisions, it may be detained by the representative for a period not to exceed twenty days, pending action or notification of any federal authorities having jurisdiction over the meat or meat product or animal, and shall not be moved by any person from the place at which it is located when detained unless[1] released by the representative. All official marks may be required by the representative to be removed from the meat or meat product or animal before it is released unless it appears to the satisfaction of the board that the meat or meat product or animal is eligible to retain the marks.

(b) Any carcass, part of a carcass, or meat[,] or meat product of cattle, sheep, swine, goats, horses, mules, or other equines or any dead, dying, disabled, or diseased cattle, sheep, swine, goat, or equine that is being transported in [intrastate] commerce or is held for sale in the State after being so transported and that (1) is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this chapter, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this chapter, shall be liable to be proceeded against and seized and condemned, at any time, in any [circuit] court within the jurisdiction of which the meat or meat product or animal is found. If the meat or meat product or animal is condemned, it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees and storage and other proper expenses, shall be paid into the general fund of the State, but the meat or meat product or animal shall not be sold contrary to this chapter [or], the Federal Meat Inspection Act, or the Hawaii or Federal Food, Drug, and Cosmetic Act; provided that upon the execution and delivery of a good and sufficient bond issued on the condition that the meat or meat product or animal shall not be sold or otherwise disposed of contrary to this chapter or the laws of the United States, the court may direct that the meat or meat product or animal be delivered to the owner thereof subject to supervision by authorized representatives of the board as is necessary to [insure] ensure compliance with the applicable laws. When a decree of condemnation is entered against the meat or meat product or animal and it is released under bond, or destroyed, court costs and fees and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the meat or meat product or animal."

SECTION 15. Section 159-52, Hawaii Revised Statutes, is amended by amending subsections (d), (e), and (f) to read as follows:

"(d) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person engaged in the performance of, or on account of, official duties under this chapter shall be fined not more than $5,000 or imprisoned not more than [three] five years, or both.

(e) Any person who violates any provision of this chapter for which no other criminal penalty is provided by this chapter shall be fined not more than $1,000 or imprisoned not more than one year, or both, but if the violation involves intent to defraud or any distribution or attempted distribution of meat or meat product that is adulterated, the person shall be fined not more than $10,000 or imprisoned for not more than [three] five years, or both; provided that

no person shall be subject to penalties under this section for receiving for transportation any meat or meat product or animal in violation of this chapter if the receipt was made in good faith, unless the person refuses to furnish on request of a representative of the board the name and address of the person from whom the meat or meat product or animal was received and copies of all documents, if any there be, pertaining to the delivery of the meat or meat product or animal

(f) Nothing in this chapter shall be construed as requiring the board to issue citations and summons or to report for prosecution or injunction proceedings minor violations of this chapter whenever it believes that the public interest will be adequately served by a suitable written notice of warning. In determining whether the public interest will be adequately served by a written notice of warning, the board shall take into account, among other factors

(1) The compliance history of those persons,
(2) The magnitude of the violation,
(3) Whether compliance with this chapter would likely result from that notice, and
(4) Whether the violation is of a minor or technical nature."

SECTION 16 The department of agriculture shall submit a report to the legislature no later than twenty days prior to the convening of the regular session of 1991. The report shall include, but not be limited to, the number of exotic animals inspected in 1990 on each island and the effectiveness of enforcement regarding the custom slaughtering and preparation of domestic and exotic animals.

SECTION 17. Statutory material to be repealed is bracketed New statutory material is underscored.

SECTION 18 This Act shall take effect upon its approval and shall be repealed on June 30, 1991

(Approved June 15, 1990)

Note

1 So in original

ACT 140 H B NO. 2884

A Bill for an Act Relating to the Compensation of Public Officers and Employees

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by $93,779 or 0 0040 per cent and for fiscal year 1990-1991 to be exceeded by $86,093 or 0 0034 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 2. Section 84-35, Hawaii Revised Statutes, is amended to read as follows:

"**§84-35 Staff.** The ethics commission may employ and at pleasure remove such persons, including an executive director, as it may deem necessary for the performance of its functions. Effective [January 1, 1989, and] January 1, 1990, and January 1, 1991, the salary of the executive director shall be [$50,528 and] $52,802 and $59,048 a year, respectively. The commission shall fix the compensations of other employees within the amounts made available by appropriation therefor. The employees of the commission shall be exempt from chapters 76 and 77."

SECTION 3. Section 89-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is created a Hawaii labor relations board composed of three members of which (1) one member shall be representative of management, (2) one member shall be representative of labor, and (3) the third member, the chairperson, shall be representative of the public. All members shall be appointed by the governor for terms of six years each. Public employers and employee organizations representing public employees may submit to the governor for consideration names of persons representing their interests to serve as members of the board and the governor shall first consider these persons in selecting the members of the board to represent management and labor. Each member shall hold office until the member's successor is appointed and qualified. Because cumulative experience and continuity in office are essential to the proper administration of this chapter, it is declared to be in the public interest to continue board members in office as long as efficiency is demonstrated, notwithstanding the provision of section 26-34, which limits the appointment of a member of a board or commission to two terms.

The members shall devote full time to their duties as members of the board. Effective January 1, 1989, and January 1, 1990, the salary of the chairperson of the board shall be set by the governor within the range from $69,748 to $74,608 and $72,886 to $77,966 a year, respectively, and the salary of each of the other members shall be [$62,854 and $65,683,] a year respectively.] ninety-five per cent of the chairperson's salary. No member shall hold any other public office or be in the employment of the State or a county, or any department or agency thereof, or any employee organization during the member's term.

Any action taken by the board shall be by a simple majority of the members of the board. All decisions of the board shall be reduced to writing and shall state separately its finding of fact and conclusions. Any vacancy in the board shall not impair the authority of the remaining members to exercise all the powers of the board. The governor may appoint an acting member of the board during the temporary absence from the State or the illness of any regular member. An acting member, during the acting member's term of service, shall have the same powers and duties as the regular member.

The chairperson of the board shall be responsible for the administrative functions of the board. The board may appoint an executive officer, mediators, members of fact-finding boards, arbitrators, and hearing officers, and employ other assistants as it may deem necessary in the performance of its functions, prescribe their duties, and fix their compensation and provide for reimbursement of actual and necessary expenses incurred by them in the performance of their duties within the amounts made available by appropriations therefor. [The provisions of section] Section 103-3 notwithstanding, an attorney employed by the board as a full-time staff member may represent the board in litigation, draft

legal documents for the board, and provide other necessary legal services to the board and shall not be deemed to be a deputy attorney general

The board shall be within the department of labor and industrial relations for budgetary and administrative purposes only The members of the board and employees other than clerical and stenographic employees shall be exempt from chapters 76, 77, and 89 Clerical and stenographic employees shall be appointed in accordance with chapters 76 and 77

At the close of each fiscal year, the board shall make a written report to the governor of such facts as it may deem essential to describe its activities, including the cases and their dispositions, and the names, duties, and salaries of its officers and employees Copies of the report shall be transmitted to the legislative bodies "

SECTION 4 Section 201E-3, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows

"(e) The corporation shall employ, not subject to chapters 76 and 77 and section 26-35(4), an executive director Effective [July 1, 1988,] January 1, 1989, and January 1, 1990, the salary of the executive director shall be [$61,560 a year] set by the governor within the range from $69,748 to $74,608 and $72,886 to $77,966 a year, respectively The corporation may employ, subject to chapters 76 and 77, technical experts and officers, agents, and employees, permanent and temporary, as required The corporation may also employ persons on a contractual basis not subject to chapters 76, 77, and 78 when in the determination of the corporation the services to be performed are unique and essential to the execution of the functions of the corporation, provided that no individual contract shall be for a period longer than two years per term The corporation may call upon the attorney general for such legal services as it may require, or it may employ its own counsel and legal staff The corporation may delegate to one or more of its agents or employees such powers and duties as it deems proper "

SECTION 5 Section 269-2, Hawaii Revised Statutes is amended to read as follows

"§269-2 Public utilities commission; number, appointment of commissioners, qualifications; compensation; persons having interest in public utilities. (a) There shall be a public utilities commission of three members, to be called commissioners, and who shall be appointed in the manner prescribed in section 26-34, except as otherwise provided in this section All members shall be appointed for terms of six years each, except that the terms of the members first appointed shall be for two, four, and six years, respectively, as designated by the governor at the time of appointment The governor shall designate a member to be chairperson of the commission Each member shall hold office until the member's successor is appointed and qualified Section 26-34 shall not [be applicable] apply insofar as it relates to the number of terms and consecutive number of years a member can serve on the commission, provided that no member shall serve more than twelve consecutive years

In appointing commissioners, the governor shall select persons who have had experience in accounting, business, engineering government, finance, law, or other similar fields The commissioners shall devote full time to their duties as members of the commission and no commissioner shall hold any other public office or other employment during the commissioner s term of office No person owning any stock or bonds of any public utility corporation, or having any interest in, or deriving any remuneration from, any public utility shall be appointed a commissioner

(b) Effective January 1, 1989, and January 1, 1990, the chairperson of the commission shall be paid a salary set by the governor within the range from $69,748 to $74,608 and $72,886 to $77,966 a year, respectively, and each of the other commissioners shall be paid a salary [of $62,854 and $65,683 a year, respectively.] equal to ninety-five per cent of the chairperson's salary. The commissioners shall be exempt from chapters 76, 77, and 89 but shall be members of the state employees retirement system and shall be eligible to receive the benefits of any state or federal employee benefit program generally applicable to officers and employees of the State, including those under chapter 87.

The commission is placed within the department of budget and finance for administrative purposes."

SECTION 6. Section 363-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The head of the office shall be known as the director of the office of veterans' services. The director shall be nominated and appointed by the governor without regard to chapters 76, 77, and 89. Effective July 1, [1988,] 1990, the salary of the director shall be [$40,000 annually.] $59,048 a year. The director shall be included in any benefit program generally applicable to the officers and employees of the State."

SECTION 7. Section 371-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is created a labor and industrial relations appeals board composed of three members nominated and, by and with the advice and consent of the senate, appointed by the governor for terms of ten years each, except that the terms of members first appointed shall be for six, eight, and ten years respectively as designated by the governor at the time of appointments. The governor shall designate the chairperson of the board who shall be an attorney at law licensed to practice in all of the courts of this State. Each member shall hold office until the member's successor is appointed and qualified. Because cumulative experience and continuity in office are essential to the proper handling of appeals under workers' compensation law and other labor laws, it is hereby declared to be in the public interest to continue board members in office as long as efficiency is demonstrated. The members shall devote full time to their duties as members of the board. Effective January 1, 1989, and January 1, 1990, the salary of the chairperson of the board shall be set by the governor within the range from $69,748 to $74,608 and $72,886 to $77,966 a year, respectively, and the salary of each of the other members shall be [$62,854 and $65,683 a year, respectively.] ninety-five per cent of the chairperson's salary."

SECTION 8. There is appropriated from the general revenues of the State of Hawaii the sum of $93,779, or so much thereof as may be necessary, for fiscal year 1989-90 and $86,093 for fiscal year 1990-91, to provide the salary increases provided in this Act. The sums appropriated shall be expended by the department of budget and finance.

SECTION 9. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 10. This Act shall take effect on July 1, 1990.

(Approved June 15, 1990.)

Note

1 So in original

ACT 141 H B NO 2891

A Bill for an Act Relating to the Employees' Retirement System

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 88-45, Hawaii Revised Statutes, is amended to read as follows

"**§88-45 Employee contributions.** After June 30, 1988, each class A and class B member shall contribute seven and eight-tenths per cent of the member's compensation to the annuity savings fund, provided that after June 30, 1989, all firefighters, police officers, corrections officers, investigators of the departments of the prosecuting attorney and of the attorney general, and narcotics enforcement investigators shall contribute twelve and two-tenths per cent of their compensation to the annuity savings fund[ ] for service in that capacity."

SECTION 2 Section 88-132 5 Hawaii Revised Statutes, is amended to read as follows

"**[|§88-132.5||][1] Purchasing credits| Credit for military service.** (a) Any member of the system who [has] rendered honorable active military service in the armed forces of the United States [for which the member is not receiving or is not eligible to receive a military pension,] and who has [at least] eight years of credited service in the system, may [purchase up to four years of] be credited with membership service credit for active military service of up to four years or [for] the actual number of years of active military service whichever is less[Membership service credit may be purchased], as follows

(1) Any member with eight years of credited service in the system may [purchase] be credited with up to two years of membership service credit,

(2) Any member with twenty years of credited service in the system may [purchase] be credited with up to three years of membership service credit and

(3) Any member with twenty-five years of credited service in the system may [purchase] be credited with up to four years of membership service credit

(b) Any retirant who returns to employment, is reenrolled as a member of the system, and has at least three years of credited service in the system during the period of reemployment may be credited with membership service credit for active military service as provided in subsection (a), provided that membership service credit shall be based upon the member's total service

(c) Active military service in the military reserve or [National Guard] national guard is not considered active military service unless in time of war or declared national or state emergency [Purchase of those membership] Membership service [credits] creditable under this section shall be credited in accordance with sections 88-59 and [88-272(4)(B)] 88-272

(d) A contributory member's active military service shall be considered service in the member's occupation at the time that service is credited and shall be

purchased at the rate specified in section 88-45, and the retirement allowance provided by that service shall be calculated as provided in section 88-74.

(e) Any violation of this section shall result in the forfeiture of the amount of the purchase of membership service [pursuant to sections 88-59 and 88-272(4)(B)] and loss of benefits and membership service credit for [such] military service."

SECTION 3. Section 88-272, Hawaii Revised Statutes, is amended to read as follows:

"**[|§88-272|] Credited service.** Credited service includes:

(1) Service by an employee rendered since becoming a member;

(2) Service credited under part II [of this chapter] as a class A or class B member for members who make the election described in section 88-271(a);

(3) Service for members who return to service in the manner described in section 88-271(b);

[(4) Service rendered prior to becoming a class C member in any of the categories described in section 88-51 which is not included in any of the above; provided that such service shall be credited by purchase at any time after January 1, 1985, and after completing five years of service as a class C member, in the following manner:

(A) If the member had withdrawn the member's accumulated and post retirement contributions, by paying to the system in a nonrefundable lump sum an amount equal to eight per cent interest compounded annually on any accumulated and post retirement contributions previously withdrawn, for the period from the date of withdrawal to the date of purchase; or

(B) If the member has not made contributions to the system with respect to the previous service, by paying to the system in a nonrefundable lump sum an amount equal to eight per cent interest compounded annually multiplied by the product of seven and eight-tenths per cent of the member's current annual salary at the time of purchase, for the period from the date the employee contribution should have been made to the date of purchase;

(5)] (4) Service in the armed forces as provided by subpart E of part II [of this chapter; and]; provided that the service shall be credited at no cost upon certification by the system;

(5) Service rendered prior to becoming a class C member as described in section 88-51 that is not included in paragraphs (1) to (4); provided that the service shall be credited at no cost. Upon certification by the system, that service shall be credited at the rate of one month of service credit for each month of service rendered following the return to membership; and

(6) Unused sick leave as provided in section 88-63; provided that any [such] additional service credit shall not be used in determining eligibility for retirement or for any other purpose as a class C member."

SECTION 4. Noncontributory members who purchased service after June 30, 1989 shall be refunded the cost of the purchase by December 31, 1990.

SECTION 5 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 6 This Act shall take effect upon its approval

(Approved June 15 1990)

Note

1 So in original

ACT 142 H B NO. 2892

A Bill for an Act Relating to the Employees' Retirement System

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 88-24, Hawaii Revised Statutes, is amended to read as follows

"**§88-24 Composition of board.** The board of trustees shall consist of seven members as follows:

(1) The director of finance of the State, ex officio,

(2) Three members of the system, two of whom shall be general employees and one of whom shall be a teacher, to be elected by the members of the system under the rules and regulations adopted by the board governing the election to serve for terms of six years each, one of the terms to expire on January 1 of each even-numbered year; provided that, if after the close of filing of petitions for candidacy, a member is unopposed for election to a trustee position, the member shall be deemed and declared to be duly and legally elected to the position of trustee without an election, and

(3) Three citizens of the State who are not employees, one of whom shall be a responsible officer of a bank authorized to do business within the State, or a person of similar experience, to be appointed by the governor, with the advice and consent of the senate, to serve for a term of six years each, one of the terms to expire January 1 of each odd-numbered year

Each trustee shall serve until the trustee's successor is elected or appointed, as the case may be, and qualified For the purpose[1] of this section, the term "general employees" includes police officers and firefighters "

SECTION 2 Section 88-29, Hawaii Revised Statutes, is amended to read as follows

"**§88-29 Officers, employers, legal adviser.** The board of trustees shall elect from its membership a chairman and shall by a majority vote of all its members appoint a secretary, who may, but need not, be one of its members. It shall engage [such] actuarial and other [service] services as shall be required to transact the business of the system. The compensation for all services engaged by the board, and all other expenses of the board necessary for the operation of the system, shall be paid at [such] rates and in [such] amounts [as] the board shall approve.

[The attorney general shall be the legal adviser of the board]

The attorney general or an appointed representative may serve as legal adviser to the board of trustees or the board of trustees may select its own legal counsel."

SECTION 3. Section 103-3, Hawaii Revised Statutes, is amended to read as follows:

"**§103-3 Employment of attorneys.** No department of the State, other than the attorney general, shall make any expenditure of public funds for the employment or retention by contract or otherwise of any attorney for the purpose of representing the State or such department in any litigation, rendering legal counsel to the department, or drafting legal documents for the department; provided that the foregoing provision shall not apply:

(1) To the housing finance and development corporation or the public utilities commission;
(2) To any court or judicial or legislative officer of the State;
(3) To the legislative reference bureau;
(4) To such compilation commission as may be constituted from time to time;
(5) To the real estate commission in any action involving the real estate recovery fund, the contractors license board in any action involving the contractors recovery fund, and the trustees in any action involving the travel agency recovery fund;
(6) To the Hawaii criminal justice commission;
(7) To grand jury counsel;
(8) To the office of Hawaiian affairs;
(9) To the department of commerce and consumer affairs; provided that [such] its attorney shall be responsible for the prosecution of consumer complaints;
(10) To the employees' retirement system; or
(11) In the event the attorney general, for reasons deemed by the attorney general good and sufficient, declines [such] representation or counsel, or approves [such] a department's expenditures; provided that the governor thereupon waives the provision of this section.

For the purpose of this section the term "department of the State" means any department, board, commission, agency, bureau, or officer of the State.

Every attorney employed by any department on a full-time basis, except an attorney employed by the Hawaii criminal justice commission or as a grand jury counsel, or the department of commerce and consumer affairs in prosecution of consumer complaints, shall become a deputy attorney general."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 15, 1990.)

Note

1. So in original

ACT 143

H.B NO 2901

A Bill for an Act Relating to Preventive Medicine

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Chapter 321, Hawaii Revised Statutes, is amended by adding to part II a new section to be appropriately designated and to read as follows:

"**§321- Epidemiological specialists.** Notwithstanding any other law to the contrary, epidemiological specialists may perform blood collection by venipuncture or capillary puncture and other methods of specimen collection, excluding catheterization, when employed by or acting as an agent of the department and when done under the direct or indirect supervision of a physician licensed pursuant to chapter 453 or chapter 460."

SECTION 2. Section 321-31, Hawaii Revised Statutes, is amended to read as follows

"**§321-31 Functions of the department.** The powers, duties, and functions of the department of health relating to preventive medicine shall be as follows

(1) To supervise and coordinate activities in the fields of preventive medicine, including cancer control, crippled children, epidemiology, geriatrics, laboratories, maternal and child health, mental hygiene, nutrition, [tuberculosis,] and [venereal] communicable diseases;
(2) To formulate and put into effect throughout the State [an] educational [program] programs for the purposes of preventing and reducing disease and [alleviating old age;] disability;
(3) To engage in the collection and analysis of statistical information pertinent to any of its activities;
(4) To cooperate with and propose methods and programs to other governmental agencies relating to the fields of preventive medicine,
(5) To serve as the coordinating agency for programs which provide for a range of child abuse and neglect prevention services in relation to assessed needs, regardless of whether the programs are conducted by the department, other government agencies, or private organizations and to coordinate the prevention programs with child abuse and neglect treatment services, provided that this paragraph shall not be interpreted to compel a specified level of services, and
(6) To perform such other appropriate functions as may be required "

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 4 This Act shall take effect upon its approval.

(Approved June 15 1990)

Note

1 Edited pursuant to HRS §23G-16 5

ACT 144 H.B. NO. 2905

A Bill for an Act Relating to Adult Protective Services.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Act 381, Session Laws of Hawaii 1989, is amended by amending section 7 to read as follows:

"SECTION 7. This Act shall take effect on July 1, 1991[, and shall be repealed as of June 30, 1993]."

SECTION 2. Statutory material to be repealed is bracketed.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 15, 1990.)

ACT 145 H.B. NO. 2908

A Bill for an Act Relating to Personal Care Services.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 346-64, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) [The payment for personal care services for a recipient during a month shall not exceed sixty-five per cent of the average monthly medical assistance payment for a recipient in an intermediate care facility or skilled nursing facility.] A ceiling shall be placed on the personal care services program expenditures, limiting total expenditures to not more than seventy-five per cent of the annual medical assistance cost to maintain recipients in the program caseload at their appropriate level of institutional care. The medical assistance cost which shall be the basis for the expenditure ceiling shall be determined by the department of human services. A recipient who is not eligible for medical assistance may receive personal care services and shall make payment for these services based on a sliding fee system based on income, assets, and family size as established by the department. The department or its authorized agent shall make a comprehensive assessment of and provide a written plan of care to a recipient receiving personal care services. The plan of care shall be, to the extent possible, developed to reflect the desires of the recipient, or the recipient's legal representative, and may provide for differential levels of case management."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 15, 1990.)

ACT 146 H B NO 2929

A Bill for an Act Making an Appropriation for Repricing Civil Service Secretary, Private Secretary and School Administrative Services Assistant Classes in the State Executive Branch

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The purpose of this Act is to fund specific repricing actions in the recommended compensation plan of the executive branch of the State of Hawaii The specific actions to be funded are the repricing of all civil service secretary, private secretary, and school administrative services assistant classes as follows

	FROM	TO
Secretary I	SR 10	SR 12
Secretary II	SR 12	SR 14
Secretary III	SR 14	SR 16
Secretary IV	SR 16	SR 18
Private Secretary I	SR 18	SR 20
Private Secretary II	SR 20	SR 22
Private Secretary III	SR 22	SR 24
School Admin Svcs Asst I	SR 10	SR 12
School Admin Svcs Asst II	SR 12	SR 14
School Admin Svcs Asst III	SR 14	SR 16
School Admin Svcs Asst IV	SR 16	SR 18

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $2,235,436, or 0 087 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 3 If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity will not affect other provisions or applications of the Act which can be effected without the invalid provision or application, and to this end the provisions of this Act are severable

SECTION 4 There is hereby appropriated or authorized out of the sources of funding indicated below the following sums or so much thereof as may be necessary for fiscal year 1990-1991, to fund the adjustments in the state executive branch pursuant to section 1 of this Act

Source of Funds	
General Funds	$2,235 436
Special Funds	$ 102,812
Federal Funds	$ 227,202
Other Funds	$ 22,743

Funds appropriated or authorized by this section shall be expended by the director of finance for the purposes of this Act

SECTION 5. This Act shall take effect on July 1, 1990.

(Approved June 15, 1990.)

ACT 147 H.B. NO. 2932

A Bill for an Act Making an Appropriation for Repricing Civil Service Adult Corrections Officer, Youth Corrections Officer, Registered Professional Nurse and Anesthetist Classes in the State Executive Branch.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Purpose. The purpose of this Act is to fund specific repricing actions in the recommended compensation plan of the executive branch of the State of Hawaii. The specific actions to be funded are as follows:

	FROM	TO
Adult Corrections Officer Recruit (Adult Corrections Officer II)	SR 14	SR 15
Adult Corrections Officer III	SR 16	SR 17
Adult Corrections Officer IV	SR 18	SR 19
Adult Corrections Officer V	SR 20	SR 21
Adult Corrections Officer VI	SR 22	SR 23
Adult Corrections Officer VII	SR 24	SR 25
Youth Corrections Officer I	SR 10	SR 11
Youth Corrections Officer II	SR 12	SR 13
Youth Corrections Officer III	SR 14	SR 15
Youth Corrections Officer IV	SR 16	SR 17
Registered Professional Nurse II	SR 16	SR 18
Registered Professional Nurse III	SR 19	SR 20
Registered Professional Nurse IV	SR 21	SR 22
Registered Professional Nurse V	SR 23	SR 24
Registered Professional Nurse VI	SR 25	SR 26
Anesthetist I	SR 23	SR 24
Anesthetist II	SR 25	SR 26

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $2,857,732, or 0.11 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 3. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity will not affect other provisions or applications of the Act which can be effected without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. There is hereby appropriated or authorized out of the sources of funding indicated below the following sums or so much thereof as may

be necessary, for fiscal year 1990-1991, to fund the adjustments in the state executive branch pursuant to section 1 of this Act

Source of Funds	
General Funds	$2,857,732
Special Funds	$1,208,557
Federal Funds	$ 105,576
Other Funds	$ 0

Funds appropriated or authorized by this section shall be expended by the director of finance for the purposes of this Act

SECTION 5 This Act shall take effect on July 1, 1990

(Approved June 15 1990)

ACT 148 H.B NO 2956

A Bill for an Act Relating to Hazard Pay for Aircraft Emergency Rescue Duties.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 261-18, Hawaii Revised Statutes, is amended to read as follows

"**§261-18 Hazard pay [differential] for employees.** Any employee of the airports division of the department of transportation who [is assigned to perform] performs fire [or], crash, or any other aircraft emergency rescue duties, in addition to the employee's regular assignment, shall receive [a monthly differential of $25 per month This differential shall be paid to all employees who are trained for fire and crash duties and who are expected to stand-by and participate in the event of any emergency] hazard pay in accordance with the following schedule.

(1) $25 for each and every drill attended,
(2) $20 for each and every response to a fire, crash, or any other aircraft emergency rescue call-out which results in stand by duty only,
(3) For any fire, crash, or other aircraft emergency rescue call-out resulting in the actual participation in rescue operations, $50 for the first hour or fraction thereof, and $20 for each additional hour or fraction thereof

[This differential] Hazard pay shall be paid out of the special funds of the [airport] airports division of the department "

SECTION 2 Statutory material to be repealed is bracketed. New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved June 15, 1990)

ACT 149 H.B. NO. 2960

A Bill for an Act Relating to Transportation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 37-53, Hawaii Revised Statutes, is amended to read as follows:

"**§37-53 Transfer of special funds.** At any time during a fiscal year, notwithstanding any other law to the contrary, any department may, with the approval of the governor or the director of finance if so delegated by the governor, transfer from [the] any special [funds] fund relating to such department to the general revenues of the State all or any portion of moneys determined to be in excess of fiscal year requirements for such special [funds,] fund, except for special funds under the control of the department of transportation relating to highways, airports, transportation use, and harbors activities. At any time the department of transportation, with the approval of the governor or the director of finance if so delegated by the governor, may transfer from any [of the] special [funds] fund under the control of the department of transportation, or from any account within any such special fund, to the general revenues of the State or to any other special fund under the control of the department of transportation all or any portion of moneys determined to be in excess of requirements for the ensuing twelve months[,] determined as prescribed by rules adopted pursuant to chapter 91; provided that no such transfer shall be made which would cause a violation of federal law or federal grant agreements."

SECTION 2. Section 261-5, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Notwithstanding the provisions contained in any contract authorized by section 261-7 in effect on June 13, 1989, from and after June 13, 1989, to and including June 30, 1990, all payments made under such contract allocable to the display and sale of in-bond merchandise at locations in the State other than on airport properties shall be [deposited in] credited to the transportation use special fund established by section 261D-1 in the airport revenue fund established by section 248-8, but shall not be appropriated, applied, or expended prior to July 1, 1990, except [that such funds shall continue to be available and be used] for purposes provided under this section [261-5]."

SECTION 3. Section 261D-1, Hawaii Revised Statutes, is amended to read as follows:

"**[|||§261D-1|||] Transportation use special fund; established.** There is created in the treasury of the State, as a separate account in the airport revenue fund established by section 248-8, the transportation use special fund [into which]. There shall be [deposited] credited to such account that portion of the moneys received by the department of transportation paid under any contract entered into as authorized by section 261-7 on account of the display, sale, and delivery of in-bond merchandise displayed or sold at locations in the State other than on airport properties in the manner provided by rules adopted pursuant to chapter 91 as permitted under federal law without causing a violation of federal grant agreements, or as shall be mutually agreed upon by the State and any appropriate agency of the federal government[, and as may be provided by rules promulgated pursuant to chapter 91]; provided that no moneys so [deposited]

credited may be appropriated, applied, or expended from the transportation use special fund prior to July 1, 1990[,], except [that such funds shall continue to be available and be used] for purposes provided under section 261-5 The director of transportation shall administer the fund "

SECTION 4 Section 261D-2, Hawaii Revised Statutes, is amended to read as follows

"**[[[§261D-2]]] Disposition of the transportation use special fund.** For so long as airport revenue bonds issued before June 13, 1989 are outstanding, the director of transportation shall transfer to the airport revenue fund created by section 248-8 from moneys [on deposit in] credited to the transportation use special fund, as permitted by and in accordance with section 37-53, an amount which, together with moneys on deposit in the airport revenue fund[,] other than moneys on credit to the transportation use special fund therein, will cause the aggregate amount of moneys on deposit in the airport revenue fund other than moneys on credit to the transportation special fund therein, to be at least one hundred fifty per cent of the requirements of such fund for the ensuing twelve months[ ] determined as prescribed by rules adopted pursuant to chapter 91 At any time after complying with the provisions of the preceding sentence[,] or after no airport revenue bonds issued before June 13, 1989 are outstanding, the director of transportation may transfer all or any portion of the balance of the moneys [on deposit in] credited to the transportation use special fund to the general fund of the State or to any special fund under the control of the department of transportation as permitted by and in accordance with section 37-53 "

SECTION 5 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 6 This Act shall take effect upon its approval

(Approved June 15, 1990)

ACT 150 H B NO 2984

A Bill for an Act Relating to Kalawahine Lands

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that, pursuant to S C R No 180, S D 1, which was adopted by both houses during the regular session of 1989, the State has finalized an assessment of the legal disposition and possible uses of Kalawahine, Oahu The purpose of this Act is to effectuate disposition of these lands

SECTION 2 Except as otherwise provided in SECTION 5, the department of land and natural resources is hereby authorized to negotiate and enter into long-term residential leases not to exceed sixty-five years in duration with persons who meet the following criteria

(1) On the date of enactment of this Act, reside on parcel 8 of tax map key no 2-4-34, or have valid permits allowing them to reside on this

land, or are descendents of persons who resided on this land before May 16, 1934; and

(2) Currently have homes on this land for use as their own residences; and

(3) Can prove that the various governments of Hawaii have expressed an intent to grant them long-term tenure.

SECTION 3. Any other law to the contrary notwithstanding, including chapter 171, Hawaii Revised Statutes, the department of land and natural resources is hereby authorized to negotiate and enter into lease agreements in accordance with the provisions and limitations of this Act provided that the authority granted by this Act shall expire:

(1) When leases have been negotiated and recorded in the bureau of conveyances with, or the requests authorized by SECTION 5 have been filed and approved for, all persons meeting the criteria in SECTION 2; or

(2) On January 1, 1992,

whichever is first.

SECTION 4. The land leased to each person under SECTION 2 of this Act shall be determined by the department of land and natural resources, pursuant to any applicable guidelines for residential leases and rules established by the department.

SECTION 5. Structures permitted on land for which long-term residential leases are granted under SECTION 2 of this Act shall be limited to structures in existence on November 3, 1988, or replacement structures of approximately the same size.

SECTION 6. Any person who meets the criteria in SECTION 2 and can prove that the person was given a right of first opportunity to lease other similar lands under the control of the department of Hawaiian home lands pursuant to Section 3 of the Act of May 16, 1934, Public Law No. 277, 48 Stat. 779, Chapter 200, as amended by Section 3 of the Act of July 9, 1952, Public Law No. 481, 66 Stat. 513, Chapter 614, or can prove that the person is a descendant of a person who was given a right of first opportunity, whether or not the right was exercised, may elect, before July 1, 1991, to have the land upon which the person resides transferred to the department of Hawaiian home lands by filing a written request, accompanied by the requisite proof, with the department of land and natural resources. Upon the filing and approval of the written request, the department of land and natural resources shall immediately transfer title to the land, as determined pursuant to SECTION 4 of this Act, to the department of Hawaiian home lands, without cost, and the land shall be deemed to have the status of Hawaiian home lands. The person making the request shall be granted a lease for the land in accordance with section 208 of the Hawaiian Homes Commission Act, 1920, as amended, notwithstanding the limitation on leasing of lands to native Hawaiians in item (1) of section 208.

SECTION 7. Section 203, Hawaiian Homes Commission Act, 1920, as amended, is amended to read as follows:

"**§203. [|Certain public lands designated "available lands."|]** All public lands of the description and acreage, as follows, excluding (a) all lands within any forest reservation, (b) all cultivated sugar-cane lands, and (c) all public lands

held under a certificate of occupation, homestead lease, right of purchase lease, or special homestead agreement, are hereby designated, and hereinafter referred to, as "available lands"

(1) On the island of Hawaii Kamaoa-Puueo (eleven thousand acres, more or less), in the district of Kau, Puukapu (twelve thousand acres, more or less), Kawaihae 1 (ten thousand acres, more or less), and Pauahi (seven hundred and fifty acres, more or less), in the district of South Kohala, Kamoku-Kapulena (five thousand acres, more or less), Waimanu (two hundred acres, more or less), Nienie (seven thousand three hundred and fifty acres, more or less), in the district of Hamakua, fifty-three thousand acres to be selected by the department from the lands of Humuula Mauka, in the district of North Hilo, Panaewa, Waiakea (two thousand acres, more or less), Waiakea-kai, or Keaukaha (two thousand acres, more or less), and two thousand acres of agricultural lands to be selected by the department from the lands of Piihonua, in the district of South Hilo, and two thousand acres to be selected by the department from the lands of Kaohe-Makuu, in the district of Puna, land at Keaukaha, Hawaii, more particularly described as follows.

PARCEL I

Now set aside as Keaukaha Beach Park by Executive Order Numbered 421, and being a portion of the Government land at Waiakea, South Hilo, Hawaii

Beginning at the southeast corner of this parcel of land, on the north side of Kalanianaole Road, the coordinates of said point of beginning referred to Government survey triangulation station "Halai" being five thousand six hundred and eighty-one and twelve one-hundredths feet north and seventeen thousand nine hundred and thirty-three and fifteen one-hundredths feet east, as shown on Government Survey Registered Map Numbered 2704, and running by true azimuths

1. Sixty-one degrees fifty-eight minutes one thousand three hundred and fifty-one and seventy-three one-hundredths feet along the north side of Kalanianaole Road (fifty feet wide),

2 One hundred and fifty-one degrees fifty-eight minutes eight hundred and forty feet along United States military reservation for river and harbor improvements (Executive Order Numbered 176),

Thence along the seashore at high-water mark, the direct azimuths and distances between points at seashore being

3 Two hundred and eighty-two degrees no minutes four hundred and sixty-eight and fifty one-hundredths feet,

4 Three hundred and thirteen degrees twenty minutes four hundred and forty-one feet,

5 Two hundred and sixty degrees twenty minutes one hundred and forty feet,

6 Two hundred and forty-two degrees twenty minutes two hundred and fifty feet,

7. One hundred and eighty-eight degrees forty minutes sixty feet,

8 Two hundred and seventy-two degrees twenty minutes one hundred and seventy feet,

9 Two hundred and five degrees no minutes sixty feet,

10 One hundred and ten degrees twenty minutes two hundred and twenty feet;

11. Ninety degrees fifty minutes eighty feet,

12. One hundred and sixty-two degrees no minutes one hundred and seventy feet;

13. Two hundred and fifty degrees thirty minutes four hundred and thirty feet;

14. Three hundred and thirty-one degrees fifty-eight minutes three hundred and eighty feet along parcel II of Government land to the point of beginning and containing an area of eleven and twenty one-hundredths acres, more or less.

PARCEL II

Being a portion of the Government land of Waiakea, South Hilo, Hawaii, and located on the north side of Kalanianaole Road and adjoining parcel I, hereinbefore described.

Beginning at the south corner of this parcel of land, on the north side of Kalanianaole Road, the coordinates of said point of beginning referred to Government survey triangulation station "Halai," being five thousand six hundred and eighty-one and twelve one-hundredths feet north and seven thousand nine hundred and thirty-three and fifteen one-hundredths feet east and running by true azimuths:

1. One hundred and fifty-one degrees fifty-six minutes three hundred and eighty feet along the east boundary of parcel I;

2. Two hundred and twenty-nine degrees forty-five minutes thirty seconds one hundred and ninety-one and one one-hundredths feet;

3. One hundred and ninety-eight degrees no minutes two hundred and thirty feet to a one-and-one-half inch pipe set in concrete;

4. Three hundred and seven degrees thirty-eight minutes five hundred and sixty-two and twenty-one one-hundredths feet to a one-and-one-half inch pipe set in concrete;

5. Twenty-eight degrees no minutes one hundred and twenty-one and thirty-seven one-hundredths feet to the north side of Kalanianaole Road;

6. Sixty-one degrees fifty-eight minutes four hundred and eighty-three and twenty-two one-hundredths feet along the north side of Kalanianaole Road to the point of beginning and containing an area of five and twenty-six one-hundredths acres, more or less.

(2) On the island of Maui: Kahikinui (twenty-five thousand acres, more or less) in the district of Kahikinui, and the public lands (six thousand acres, more or less) in the district of Kula;

(3) On the island of Molokai: Palaau (eleven thousand four hundred acres, more or less), Kapaakea (two thousand acres, more or less), Kalamaula (six thousand acres, more or less), Hoolehua (three thousand five hundred acres, more or less), Kamiloloa I and II (three thousand six hundred acres, more or less), and Makakupaia (two thousand two hundred acres, more or less) and Kalaupapa (five thousand acres, more or less);

(4) On the island of Oahu: Nanakuli (three thousand acres, more or less), and Lualualei (two thousand acres, more or less), in the District of Waianae; and Waimanalo (four thousand acres, more or less), in the District of Koolaupoko, excepting therefrom the military reservation and the beach lands; and those certain portions of the lands of Auwaiolimu, Kewalo, and Kalawahine described by metes and bounds as follows, to-wit:

(1) Portion of the Government land at Auwaiolimu, Punchbowl Hill, Honolulu, Oahu, described as follows:

Beginning at a pipe at the southeast corner of this tract of land, on the boundary between the lands of Kewalo and Auwaiolimu, the coordinates of said

point of beginning referred to Government Survey triangulation station "Punchbowl," being one thousand one hundred and thirty-five and nine-tenths feet north and two thousand five hundred and fifty-seven and eight-tenths feet east as shown on Government Survey Registered Map Numbered 2692, and running by true azimuths.

1 One hundred and sixty-three degrees thirty-one minutes two hundred and thirty-eight and eight-tenths feet along the east side of Punchbowl-Makiki Road,

2. Ninety-four degrees eight minutes one hundred and twenty-four and nine-tenths feet across Tantalus Drive and along the east side of [Puuowaina] Puowaina Drive,

3 One hundred and thirty-one degrees thirteen minutes two hundred and thirty-two and five-tenths feet along a twenty-five foot roadway,

4 One hundred and thirty-nine degrees fifty-five minutes twenty and five-tenths feet along same,

5 One hundred and sixty-eight degrees seventeen minutes two hundred and fifty-seven and eight-tenths feet along Government land (old quarry lot),

6 One hundred and fifty-six degrees thirty minutes three hundred and thirty-three feet along same to a pipe,

7 Thence following the old Auwaiolimu stone wall along L.C Award Numbered 3145, to Laenui, grant 5147 (lot 8 to C W. Booth), L.C Award Numbered 1375, to Kapule, and L C Award Numbered 1355, to Kekuanoni, the direct azimuth and distance being two hundred and forty-nine degrees forty-one minutes one thousand three hundred and three and five-tenths feet,

8 Three hundred and twenty-one degrees, twelve minutes, six hundred and ninety-three feet along the remainder of the land of Auwaiolimu,

9 Fifty-one degrees, twelve minutes, one thousand and four hundred feet along the land of Kewalo to the point of beginning, containing an area of twenty-seven acres, excepting and reserving therefrom Tantalus Drive and Auwaiolimu Street crossing this land

(II) Portion of the land of Kewalo, Punchbowl Hill, Honolulu, Oahu, being part of the lands set aside for the use of the Hawaii Experiment Station of the United States Department of Agriculture by proclamation of the Acting Governor of Hawaii, dated June 10, 1901, and described as follows

Beginning at the northeast corner of this lot, at a place called "Puu Ea" on the boundary between the lands of Kewalo and Auwaiolimu, the coordinates of said point of beginning referred to Government survey triangulation station "Punchbowl," being three thousand two hundred and fifty-five and six-tenths feet north and five thousand two hundred and forty-four and seven-tenths feet east, as shown on Government Survey Registered Map Numbered 2692 of the State of Hawaii, and running by true azimuths

1 Three hundred and fifty-four degrees thirty minutes nine hundred and thirty feet along the remainder of the land of Kewalo, to the middle of the stream which divides the lands of Kewalo and Kalawahine,

2 Thence down the middle of said stream along the land of Kalawahine, the direct azimuth and distance being forty-nine degrees sixteen minutes one thousand five hundred and twelve and five-tenths feet,

3 One hundred and forty-one degrees twelve minutes eight hundred and sixty feet along the remainder of the land of Kewalo,

4 Two hundred and thirty-one degrees twelve minutes five hundred and fifty-two and six-tenths feet along the land of Auwaiolimu to "PUU IOLE",

5 Thence still along the said land of Auwaiolimu following the top of the ridge to the point of beginning, the direct azimuth and distance being two hundred and thirty-two degrees twenty-six minutes one thousand four hundred

and seventy feet and containing an area of thirty acres; excepting and reserving therefrom Tantalus Drive crossing this land:

[[(III) Repealed. Act of Jul. 9, 1952, c 614, §1, 66 Stat 511]]

(III) Portion of the land of Kalawahine makai of Tantalus Drive consisting of twelve acres, more or less, said parcel described more specifically in tax map key 2-4-34-8, which includes certain parcels adjoining the Ewa portion of Kalawahine Place currently occupied by short-term land dispositions if the persons residing on those parcels meet the qualifications established by the Legislature of the State of Hawaii and elect to have the land under their homes transferred to the department, and certain portions of the Ewa portion of the parcel, but excluding the hillside side portions of the southeast parcel, with metes and bounds designated by the department and approved by the department of land and natural resources; provided that persons now residing on portion of the land described, be given first opportunity to lease the lands on which they now reside, for a term of 99 years, whether or not they be native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920, as amended.

(IV) Portion of the Hawaii Experiment Station under the control of the United States Department of Agriculture, situated on the northeast side of Auwaiolimu Street.

KEWALO-UKA, HONOLULU, OAHU

Being a portion of the land of Kewalo-uka conveyed by the Territory of Hawaii to the United States of America by proclamations of the Acting Governor of Hawaii, Henry S. Cooper, dated June 10, 1901, and August 16, 1901, and a portion of the United States Navy Hospital reservation described in Presidential Executive Order Numbered 1181, dated March 25, 1910.

Beginning at the west corner of this parcel of land, on the Auwaiolimu-Kewalo-uka boundary and on the northeast side of Auwaiolimu Street, the coordinates of said point of beginning referred to Government survey triangulation station "Punchbowl," being one thousand two hundred and thirty and fifty-eight one-hundredths feet north and two thousand six hundred and seventy-five and six one-hundredths feet east as shown on Government Survey Registered Map Numbered 2985 and running by azimuths measured clockwise from true south:

1. Two hundred and thirty-one degrees twelve minutes one thousand two hundred and forty-eight and twenty-six one-hundredths feet along the land of Auwaiolimu;

2. Three hundred and twenty-one degrees twelve minutes eight hundred and sixty feet along Hawaiian home land as described in Presidential Executive Order Numbered 5561;

3. Thence down along the middle of stream in all its turns and windings along the land of Kalawahine to the north corner of Roosevelt High School lot, the direct azimuth and distance being thirty-three degrees forty-eight minutes forty seconds one thousand one hundred and twelve and twenty one-hundredths feet;

Thence still down along the middle of stream for the next seven courses along the Roosevelt High School premises, the direct azimuth and distances between points in middle of said stream being:

4. Twenty-three degrees forty minutes twenty-eight and ninety one-hundredths feet;

5. Eight degrees no minutes one hundred and fifteen feet;

6. Three hundred and thirty-seven degrees fifty minutes forty-eight feet;

7 Two degrees thirty minutes sixty feet,

8 Forty-nine degrees forty minutes fifty-two feet,

9 Forty-six degrees six minutes ninety and seventy one-hundredths feet,

10 Ninety-two degrees forty-three minutes ninety-five and sixty one-hundredths feet, thence

11 Eighty-three degrees thirty-eight minutes seventy-one and sixty-three one-hundredths feet along state land to the northeast side of Auwaiolimu Street,

12 Thence on a curve to the left with a radius of one thousand one hundred and seventy-six and twenty-eight one-hundredths feet along the northeast side of Auwaiolimu Street along land described in Presidential Executive Order Numbered 1181, dated March 25, 1910, the direct azimuth and distance being one hundred and seventy-two degrees twenty-nine minutes thirty-five seconds one hundred and sixty-four and thirty-nine one-hundredths feet,

13 Thence continuing on a curve to the left with a radius of one thousand one hundred and seventy-six and twenty-eight one-hundredths feet along the northeast side of Auwaiolimu Street, the direct azimuth and distance being one hundred and sixty degrees fifty minutes forty-eight seconds three hundred and twelve and seventy-five one-hundredths feet,

14 Two hundred and twenty-four degrees fifty-three minutes six hundred and seventy and sixty-five one-hundredths feet along the Quarry Reservation (State of Hawaii, owner),

15 One hundred and ten degrees six minutes two hundred and thirty-nine and twenty one-hundredths feet along same,

16 Ninety-two degrees five minutes two hundred and two and twenty one-hundredths feet along same,

17 Fifty-three degrees twenty minutes three hundred and forty and thirty-four one-hundredths feet along same,

18 One hundred and forty-two degrees thirty minutes four hundred and twenty-four and sixty-eight one-hundredths feet along the northeast side of Auwaiolimu Street to the point of beginning and containing an area of twenty-seven and ninety one-hundredths acres, excepting and reserving therefrom that certain area included in Tantalus Drive, crossing this land

(V) Portion of Kewalo-uka Quarry Reservation Situate on the northeast side of Auwaiolimu Street

KEWALO-UKA, HONOLULU, OAHU

Being land reserved by the State of Hawaii within the Hawaii Experiment Station under the control of the United States Department of Agriculture, as described in proclamations of the Acting Governor of Hawaii, Henry E Cooper, dated June 10, 1901

Beginning at the northwest corner of this parcel of land and on the northeast side of Auwaiolimu Street, the coordinates of said point of beginning referred to Government survey triangulation station "Punchbowl," being eight hundred and ninety-three and sixty-six one-hundredths feet north and two thousand nine hundred and thirty-three and fifty-nine one-hundredths feet east as shown on Government Survey Registered Map Numbered 2985 and running by azimuths measured clockwise from true south

1 Two hundred and thirty-three degrees twenty minutes three hundred and forty and thirty-four one-hundredths feet along the Hawaii Experiment Station under the control of the United States Department of Agriculture,

2 Two hundred and seventy-two degrees five minutes two hundred and two and twenty one-hundredths feet along same,

3. Two hundred and ninety degrees six minutes two hundred and thirty-nine and twenty one-hundredths feet along same;

4. Forty-four degrees fifty-three minutes six hundred and seventy and sixty-five one-hundredths feet along same to the northeast side of Auwaiolimu Street;

5. Thence on a curve to the left with a radius of one thousand one hundred and seventy-six and twenty-eight one-hundredths feet along the northeast side of Auwaiolimu Street, the direct azimuth and distance being one hundred and forty-seven degrees fifty-one minutes thirteen seconds two hundred and nineteen and fifty one-hundredths feet;

6. One hundred and forty-two degrees thirty minutes one hundred and thirty-four and fifty-five one-hundredths feet along the northeast side of Auwaiolimu Street;

7. Two hundred and thirty-two degrees thirty minutes twenty feet along same;

8. One hundred and forty-two degrees thirty minutes seventy-one and fifty-seven one-hundredths feet along same to the point of beginning and containing an area of four and six hundred and forty-six one-thousandths acres.

(VI) Being a portion of government land of Auwaiolimu, situated on the northeast side of Hawaiian home land of Auwaiolimu and adjacent to the land of Kewalo-uka at Pauoa Valley, Honolulu, Oahu, State of Hawaii. Beginning at a pipe in concrete at the south corner of this parcel of land, being also the east corner of Hawaiian home land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Punchbowl," being two thousand twelve and seventy-five one-hundredths feet south and three thousand six hundred forty-seven and eighty-seven one-hundredths feet east, and thence running by azimuths measured clockwise from true south:

1. One hundred and forty-one degrees twelve minutes six hundred and ninety-three feet along Hawaiian home land;

2. Thence along middle of stone wall along L.C.Aw. 1356 to Kekuanoni, Grant 5147, Apana 1 to C.W.Booth, L.C.Aw. 1351 to Kamakainau, L.C.Aw. 1602 to Kahawai, Grant 4197 to Keauloa, L.C.Aw. 5235 to Kaapuiki and Grant 2587 to Haalelea;

3. Two hundred and ninety-five degrees thirty minutes three hundred and twenty feet along the remainder of government land of Auwaiolimu;

4. Twenty-four degrees sixteen minutes thirty seconds one thousand five hundred seventy-nine and thirty-six one-hundredths feet along the remainder of government land of Auwaiolimu;

5. Thence along middle of ridge along the land of Kewalo-uka to a point called "Puu Iole" (pipe in concrete monument), the direct azimuth and distance being fifty-six degrees no minutes eight hundred and thirty feet;

6. Fifty-two degrees twelve minutes five hundred fifty-two and sixty one-hundredths feet along the land of Kewalo-uka to the point of beginning and containing an area of thirty-three and eighty-eight one-hundredths acres, more or less.

(VII) Being portions of government lands of Kewalo-uka and Kalawahine situated on the east side of Tantalus Drive at Pauoa Valley, Honolulu, Oahu, State of Hawaii. Beginning at the west corner of this parcel of land, the true azimuth and distance to a point called "Puu Ea" (pipe in concrete monument) being one hundred and seventy-four degrees thirty minutes four hundred one and ninety-nine one-hundredths feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Punchbowl" being two thousand eight hundred fifty-five and ten one-hundredths feet north and five thousand two hundred eighty-two and twenty-five

one-hundredths feet east and thence running by azimuths measured clockwise from true south

1 Two hundred and forty-eight degrees nineteen minutes forty seconds eight hundred fifty and fifty-four one-hundredths feet along the land of Kewalo-uka,

2 Sixteen degrees thirty minutes five hundred feet along the land of Kewalo-uka, along the land of Kalawahine,

3 Twenty-five degrees no minutes five hundred feet along the land of Kalawahine,

4 Thirty-five degrees no minutes three hundred and twenty feet along the land of Kalawahine,

5 Fifty degrees forty-six minutes ninety-six and seventy one-hundredths feet along Makiki Forest Ridge lots,

6 Seventy-three degrees twenty minutes two hundred fifty-five and ninety one-hundredths feet along Makiki Forest Ridge lots,

7 Eighty-six degrees thirty-two minutes one hundred sixty-three and forty one-hundredths feet along Makiki Forest Ridge lots,

8 Thence along the south side of Tantalus Drive on a curve to the right with a radius of two hundred and seventy feet, the direct azimuth and distance being two hundred and twenty-one degrees twelve minutes nineteen seconds ninety-eight and thirty-six one-hundredths feet,

9 Two hundred and thirty-one degrees forty-two minutes one hundred ninety-three and thirty-five one-hundredths feet along the south side of Tantalus Drive,

10 Still along Tantalus Drive on a curve to the left with a radius of one hundred eighty and seventy-eight one-hundredths feet, the direct azimuth and distance being one hundred and eighty-one degrees forty-five minutes fifty-five seconds two hundred seventy-six and seventy-two one-hundredths feet,

11 Two hundred and forty-two degrees fifteen minutes sixty-two and thirty-two one-hundredths feet along the land of Kewalo-uka,

12 One hundred and seventy-four degrees thirty minutes five hundred twenty-eight and one one-hundredths feet along the land of Kewalo-uka to the point of beginning and containing an area of five hundred and seventy-four thousand seven hundred and thirty square feet or thirteen and one hundred ninety-four one-thousandths acres

(5) On the island of Kauai Upper land of Waimea, above the cultivated sugar cane lands, in the district of Waimea (fifteen thousand acres, more or less), and Moloaa (two thousand five hundred acres, more or less), and Anahola and Kamalomalo (five thousand acres, more or less)

Wailuku, Maui That parcel of government land, situate in the District of Wailuku, Island and County of Maui, comprising twelve and four hundred and fifty-five one-thousandths acres of the ILI OF KOU and being a portion of the land covered by General Lease Numbered 2286 to Wailuku Sugar Company, Limited, notwithstanding the fact that said parcel is cultivated sugar cane land, subject, however, to the terms of said lease

Cultivated Sugar Cane Lands That parcel of Anahola, Island of Kauai, comprising four hundred and one and four hundred and twenty-three one-thousandths acres, hereinafter described and being portion of the land covered by general lease numbered 2724 to the Lihue Plantation Company, Limited, notwithstanding the fact that said parcel is cultivated sugar cane land, subject however, to the terms of said lease, said parcel being more particularly described as follows

Being a portion of land described in general lease numbered 2724 to the Lihue Plantation Company situate in the district of Anahola, Kauai, State of

Hawaii, beginning at the northwest corner of this parcel of land, the coordinates of which referred to government triangulation station south base are three thousand and forty-nine and sixty-two one-hundredths feet south, one thousand nine hundred and thirty-two and twenty-five one-hundredths feet west, and running thence by azimuths measured clockwise from true south two hundred and eighty-four degrees thirty minutes two hundred and fifty feet, thence on the arc of circular curve to the left, with a radius of eight hundred and ninety feet and a central angle of thirty-five degrees fifteen minutes, the direct azimuth and distance being two hundred and sixty-six degrees fifty-two minutes thirty seconds five hundred and thirty-eight and ninety-six one-hundredths feet, thence two hundred and forty-nine degrees fifteen minutes one thousand eight hundred and nine and twenty-five one-hundredths feet, thence two hundred and twenty-four degrees fifteen minutes three thousand fifty-six feet, thence one hundred and thirty-four degrees fifteen minutes two hundred and seven feet, to the seashore at Anahola Bay, thence along the seashore around Kahala Point, the direct azimuth and distance being two hundred and thirty-seven degrees six minutes seven seconds one thousand and sixty and fourteen one-hundredths feet, thence along the seashore, the direct azimuth and distance being three hundred and thirty-two degrees no minutes one thousand eight hundred and twenty-seven feet, thence along the seashore, the direct azimuth and distance being three hundred and fifty-five degrees no minutes one thousand eight hundred and twenty-seven feet, thence eighty-seven degrees twenty minutes seven hundred and forty feet, thence fifty-nine degrees no minutes two thousand seven hundred and fifteen feet, thence sixty-nine degrees fifteen minutes one thousand eight hundred and eighty-seven and thirty-six one-hundredths feet, thence on the arc of a circular curve to the right with a radius of three thousand and twelve feet, and a central angle of thirty-five degrees fifteen minutes the direct azimuth and distance being eighty-six degrees fifty-two minutes thirty seconds one thousand eight hundred and twenty-three and ninety-eight one-hundredths feet, thence one hundred and four degrees thirty minutes two hundred and fifty feet, thence one hundred and ninety-four degrees thirty minutes one thousand and thirty-one feet, thence on the arc of a circular curve to the left with a radius of six hundred and seven and ninety-five one-hundredths feet and a central angle of fifty-three degrees three minutes thirty seconds the direct azimuth and distance being seventy-seven degrees fifty-eight minutes fifteen seconds five hundred and forty-three and nine one-hundredths feet to the government road, thence two hundred and thirty-one degrees twenty-six minutes thirty seconds one hundred and thirteen and sixty-one one-hundredths feet along the government road, thence along the government road on the arc of a circular curve to the left with a radius of four hundred and seventy-seven feet and a central angle of forty-four degrees twenty-six minutes thirty seconds, the direct azimuth and distance being two hundred and nine degrees thirteen minutes fifteen seconds three hundred and sixty and seventy-eight one-hundredths feet, thence one hundred and eighty-seven degrees no minutes one hundred and sixty-nine and fifty-four one-hundredths feet along the government road, thence on the arc of a circular curve to the left with a radius of three hundred and fifty-one and eight one-hundredths feet and a central angle of eighty-two degrees thirty minutes the direct azimuth and distance being three hundred and twenty-five degrees forty-five minutes four hundred and sixty-two and ninety-seven one-hundredths feet, thence one hundred and ninety-four degrees thirty minutes five hundred and seventy-nine feet, thence one hundred and four degrees thirty minutes three hundred feet, thence one hundred and ninety-four degrees thirty minutes two hundred feet, thence two hundred eighty-four degrees thirty minutes three hundred feet, thence one hundred and ninety-four degrees thirty minutes two hundred and fifty-two feet

to the point of beginning containing an area of four hundred and one and four hundred and twenty-three one-thousandths acres more or less "

SECTION 8. Section 209, Hawaiian Homes Commission Act, 1920, as amended, is amended by amending subsection (a) to read as follows:

"(a) Upon the death of the lessee, the lessee's interest in the tract or tracts and the improvements thereon, including growing crops and aquacultural stock (either on the tract or in any collective contract or program to which the lessee is a party by virtue of the lessee's interest in the tract or tracts), shall vest in the relatives of the decedent as provided in this paragraph. From the following relatives of the lessee who are (1) at least one-quarter Hawaiian, husband, wife, or children, or (2) native Hawaiian, widows or widowers of the children, grandchildren, brothers and sisters, widows or widowers of the brothers and sisters, or nieces and nephews, -- the lessee shall designate the person or persons to whom the lessee directs the lessee's interest in the tract or tracts to vest upon the lessee's death The Hawaiian blood requirements shall not apply to the descendants of those who are not native Hawaiians but who were entitled to the leased lands under section 3 of the Act of May 16, 1934 (48 Stat. 777, 779), as amended[.], or under Section of the Act of (Stat ,). In all cases such person or persons need not be eighteen years of age Such designation shall be in writing, may be specified at the time of execution of such lease with a right in such lessee in similar manner to change such beneficiary at any time and shall be filed with the department and approved by the department in order to be effective to vest such interests in the successor or successors so named.

In case of the death of any lessee, except as hereinabove provided, who has failed to specify a successor or successors as approved by the department, the department may select from only the following qualified relatives of the decedent

(1) Husband or wife,

(2) If there is no husband or wife, then the children

The rights to the use and occupancy of the tract or tracts may be made effective as of the date of the death of such lessee.

In the case of the death of a lessee leaving no designated successor or successors, husband, wife, or children qualified to be a lessee of Hawaiian home lands, the land subject to the lease shall resume its status as unleased Hawaiian home lands and the department is authorized to lease such land to a native Hawaiian as provided in this Act

Upon the death of a lessee who has not designated a successor and who leaves a spouse not qualified to succeed to the lease or children not qualified to succeed to the lease, or upon the death of a lessee leaving no such relative qualified to be a lessee of Hawaiian home lands, or the cancellation of a lease by the department, or the surrender of a lease by the lessee, the department shall appraise the value of all such improvements and growing crops or improvements and aquacultural stock, as the case may be, and shall pay to the nonqualified spouse or the nonqualified children as the lessee shall have designated prior to the lessee's death, or to the legal representative of the deceased lessee, or the previous lessee, as the case may be, the value thereof, less any indebtedness to the department, or for taxes, or for any other indebtedness the payment of which has been assured by the department, owed by the deceased lessee or the previous lessee. Such payments shall be made out of the Hawaiian home loan fund and shall be considered an advance therefrom and shall be repaid by the successor or successors to the tract involved If available cash in the Hawaiian home loan fund is insufficient to make such payments, payments may be advanced from the Hawaiian home general loan fund and shall be repaid by the successor or

successors to the tract involved; provided that any repayment for advances made from the Hawaiian home general loan fund shall be at the interest rate established by the department for loans made from the Hawaiian home general loan fund.

Such appraisal shall be made by three appraisers, one of whom shall be named by the department, one by the previous lessee or the legal representative of the deceased lessee, as the case may be, and the third shall be selected by the two appraisers aforementioned."

SECTION 9. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 10. The provisions of the amendments made by this Act to the Hawaiian Homes Commission Act, 1920, as amended, are declared to be severable, and if any section, sentence, clause, or phrase, or the application thereof to any person or circumstances is held ineffective because there is a requirement of having the consent of the United States to take effect, then that portion only shall take effect upon the granting of consent by the United States and effectiveness of the remainder of these amendments or the application thereof shall not be affected.

SECTION 11. This Act shall take effect upon its approval.

(Approved June 15, 1990.)

ACT 151 H.B. NO. 2986

A Bill for an Act Relating to Special Purpose Revenue Bonds for Linguatron (USA) Limited.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that it is in the public interest to attract and retain businesses in Hawaii that are engaged in environmentally safe activities and that integrate recent technological developments into their products. The legislature further finds that Linguatron (USA) Limited, a Hawaii corporation, is engaged in the development of high technology computerized equipment that is a manufacturing enterprise that may be assisted through the issuance of special purpose revenue bonds pursuant to part III, chapter 39A, Hawaii Revised Statutes.

The legislature finds and declares that the issuance of special purpose revenue bonds under this Act is in the public interest and for the public's health, safety, and general welfare of the State.

SECTION 2. Pursuant to part III, chapter 39A, Hawaii Revised Statutes, the department of budget and finance, with the approval of the governor, is authorized to issue special purpose revenue bonds in a total amount not to exceed $10,000,000 in one or more series for the purpose of assisting Linguatron (USA) Limited, a Hawaii corporation, or a partnership in which Linguatron (USA) Limited is a general partner, with the establishment of an electronic computer equipment assembly plant and related facilities, including capital improvement programs, the acquisition of lands, the construction of buildings, and other improvements thereon; and including further, without limiting the

generality of the foregoing, machinery, equipment, furnishings, and apparatus that are deemed necessary, suitable, or useful to this enterprise The legislature finds and determines that the activity and facilities of Linguatron (USA) Limited constitute a project as defined in part III, chapter 39A, Hawaii Revised Statutes, and the financing thereof is assistance to a manufacturing enterprise

SECTION 3 The special purpose revenue bonds issued under this Act shall be issued pursuant to part III, chapter 39A, Hawaii Revised Statutes, relating to the power to issue special purpose revenue bonds to assist manufacturing enterprises

SECTION 4 The authorization to issue special purpose revenue bonds under this Act shall lapse on June 30, 1992

SECTION 5 This Act shall take effect upon its approval

(Approved June 15 1990)

ACT 152 H B NO 3110

A Bill for an Act Relating to Child Support Enforcement

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 571-52 2, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows

" (e) An employer receiving an assignment order shall send the amounts withheld to the child support enforcement agency within [ten] five working days after the obligor is paid The employer shall begin withholding no later than the first pay period occurring within fourteen days following the date a certified copy of the order is mailed to the employer An employer who is required to withhold amounts from the income of more than one obligor may remit a sum total of the amounts in one check, with a listing of the amounts applicable to each obligor

Within five working days after receipt of the amounts withheld by the employer, the child support enforcement agency shall disburse those amounts to the obligee for the benefit of the child "

SECTION 2 Section 571-52 3, Hawaii Revised Statutes, is amended to read as follows

"**[[§571-52.3]] Immediate income withholding.** In any case where child support is an issue, and an order for child support is established or modified, and the obligor receives income on a periodic basis, the court shall concurrently enter an order for immediate income withholding which shall operate as an assignment by the person to the child support enforcement agency for the benefit of the child of such amounts at such times as may be specified in the[support order Such order may also include child support arrears [and/or] and reimbursement of debt pursuant to section 346-37 1 The provisions of sections[571-52 2(d), (e), (f), (g), (l), (m),[and (n) shall apply to all orders for immediate income withholding issued under this section "

SECTION 3. Section 576E-16, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Compliance by an employer with the income withholding order shall operate as a discharge of the employer's liability to the responsible parent for that portion of the responsible parent's earnings withheld and transmitted to the agency, whether or not the employer has withheld the correct amount. For each payment made pursuant to an income withholding order, the employer may deduct and retain as an administrative fee an additional amount of $2 from the income owed to the responsible parent. Any income withholding order shall have priority as against any garnishment, attachment, execution, or other income withholding order, or any other order, unless otherwise ordered by the agency, and shall not be subject to the exemptions or restrictions contained in part III of chapter 651 and in chapters 652 and 653. An employer who fails to comply with an order entered by the agency under this section shall be liable to the obligee or the agency for the full amount of all sums ordered to be withheld and transmitted. An employer receiving an income withholding order shall transmit amounts withheld to the agency within [ten] five working days after the responsible parent is paid. The employer shall begin withholding no later than the first period commencing within fourteen days following the date a copy is mailed to the employer. An employer who is required to withhold amounts from the income of more than one employee may remit to the agency a sum total of all such amounts in one check with a listing of the amounts applicable to each employee.

Within five working days after receipt of the amounts withheld by the employer, the agency shall disburse the amounts to the obligee for the benefit of the child."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon approval.

(Approved June 15, 1990.)

Note

1. So in Original.

ACT 153 H.B. NO. 3114

A Bill for an Act Making an Appropriation for Waikiki Beautification.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Waikiki plays a significant role in Hawaii's visitor industry and the State's economic base. Current annual visitor expenditures in Waikiki, including hotel room rentals, are estimated at $3,800,000,000, or about forty-five per cent of all visitor expenditures in the State.

In order to enhance Waikiki's ability to maintain its world market position as a premier tourist destination, major projects have been undertaken to provide the area with a $330,000,000 facelift. However, two major parks, three mini-parks, and the Ala Wai canal, boulevard, and promenade, which should grace Waikiki and serve some of the recreational needs of its visitors and residents, are badly in need of beautification and landscaping. In their present condition, these facilities do little to enhance Waikiki's ability to remain compet-

itive in the tourism market It is estimated that these projects will require funding of $2,000,000

The purpose of this Act is to provide funds for the beautification of certain areas in Waikiki and certain areas surrounding Waikiki.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990 to 1991 to be exceeded by $1,000,000, or 0.039 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $1,000,000, or so much thereof as may be necessary for fiscal year 1990-1991, for a grant-in-aid to the city and county of Honolulu for plans, landscaping, irrigation improvements, and other beautification measures at Kapiolani park, Kuhio beach park, Waikiki mini-parks, Ala Wai boulevard, Ala Wai canal, Ala Wai promenade, and Ala Moana park, provided that these funds shall not pay for more than eighty per cent of the total costs for the beautification project The city and county of Honolulu shall act in agreement with the Waikiki improvement association as to the allocation of funds among the different projects

SECTION 4 The sum appropriated shall be expended by the city and county of Honolulu for the purposes of this Act

SECTION 5 This Act shall take effect on July 1, 1990

(Approved June 15 1990)

ACT 154 H B. NO. 3125

A Bill for an Act Relating to Rental Motor Vehicles

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 437D-13, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows

"(a) Every lessor shall display at all times in a conspicuous place in each rental motor vehicle offered to the public, a [permanently affixed notice,] decal, written in plain language and in no less than ten-point type, [which] that informs the lessee of[the requirement and penalties of]

(1)' Hawaii's seat belt and child passenger restraint laws[, as provided in sections 291-11 5 and 291-11.6,] and the prohibition against [and the penalties for] driving while under the influence of intoxicating liquor[, as provided in section 291-4.]; and

(2) The existence and location of additional information concerning the laws relating to seat belts, child passenger restraints, and driving while under the influence of intoxicating liquor.

The requirements and penalties of Hawaii's seat belt laws and child passenger restraint laws, as provided in sections 291-11 5 and 291-11 6, and the

prohibition against and penalties for driving while under the influence of intoxicating liquor, as provided in section 291-4, shall be printed on a card which shall be placed in the glove compartment of every rental motor vehicle offered to the public."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 15, 1990.)

Note

1. So in original.

ACT 155 H.B. NO. 3349

A Bill for an Act Relating to the Honolulu Symphony.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 172 of Act 316, Session Laws of Hawaii 1989, is amended to read as follows:

"SECTION 172. Provided that of the general fund appropriation for performing and visual arts events (AGS 881), the sum of $500,000 in fiscal year 1989-90 and $500,000 in fiscal year 1990-91 shall be contributed to the State[1] of Hawaii endowment fund for the Honolulu symphony trust[;]. The sum appropriated for fiscal year 1989-90 shall be made available to the fund in fiscal year 1989-90 and shall be released on the effective date of this Act; and the sum appropriated for 1990-91 shall be made available to the fund and released on July 1, 1990; provided further that [no] these funds shall be [made available under this Act unless] matched by the Honolulu symphony on a dollar-for-dollar basis[; provided further that these matching funds shall be generated] through a separate fund-raising effort by the Honolulu symphony, separate and apart from the Honolulu symphony's annual fund-raising drive[.], by June 30, 1991."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 15, 1990.)

Note

1. So in original.

ACT 156 H B NO 3410

A Bill for an Act Relating to Voter Registration Lists

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The purpose of this Act is to limit access to voter registration information for election or governmental purposes only. This Act also provides special protection for the voter registration information of law enforcement personnel who show good cause that a life threatening circumstance exists to the law enforcement person or a member of the law enforcement person's household

SECTION 2 Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"**§11- Residence address; confidentiality.** (a) If a life threatening circumstance exists to a law enforcement person or to the law enforcement person's family, that law enforcement person may apply to the county clerk to keep confidential the information relating to residence address and telephone number contained in the affidavit of registration of that law enforcement person, or any list or register prepared therefrom

(b) Upon good cause shown, the clerk shall determine whether to grant confidentiality in accordance with procedures established by the clerk, and the clerk's decision shall be final

(c) If the voter registration of a law enforcement person covered by this section is challenged, the clerk shall release the residence address of the law enforcement person to the challenger pursuant to procedures established by the clerk. If an appeal is taken relating to the challenge, the residence address shall also be released to the appropriate appellate body "

SECTION 3 Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"**§11- Access to voter registration affidavits, lists, and register; prohibited use.** (a) No person other than the affiant shall have access to the affiant's voter registration affidavit or any list or register prepared therefrom except for election or government purposes pursuant to this section

(b) The clerk shall not allow the release, rental, or sale of a voter registration affidavit or any list or register prepared therefrom except for the following election or government purposes

(1) For release pursuant to a challenge to the affiant's voter registration

(2) For rental to candidates, political parties, committees, and service bureaus as defined in section 11-1, or

(3) For release, rental, or sale to federal, state, or county agencies requiring such information for a public purpose

(c) The following conditions shall be met before voter registration information may be released

(1) The applicant shall obtain the written permission of the clerk or the clerk's designated representative,

(2) The applicant shall agree in writing that the applicant shall use the information for election or government purposes only,

(3) The applicant shall agree in writing that the applicant will not sell or otherwise release the information to any commercial firm, or use or permit the use of the information for any commercial purpose, provided that service bureaus may charge a fee for furnishing data processing services where such services are rendered solely for election or government purposes; and

(4) In the case of a rental of a voter registration tape by a nongovernmental agency, the clerk shall require the person renting the voter registration tape to agree in writing to return the tape no later than the date specified by the clerk.

(d) It shall be unlawful for any person to use, print, publish, or distribute in any manner whatsoever not provided by law, any voter registration information acquired directly or indirectly from the voter registration affidavits or any list prepared therefrom. Any person who violates this section shall be guilty of a misdemeanor."

SECTION 4. Section 11-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

""Service bureau" means a firm registered to do business in the State and whose principal business is furnishing data processing services."

SECTION 5. Section 11-14, Hawaii Revised Statutes, is amended to read as follows:

"**§11-14 General county register; restrictions in use.** (a) The clerk of each county shall register all the voters in the clerk's county in the general county register. The register shall contain the name and address of each voter[.] unless such address is deemed confidential pursuant to section 11- . Additional information required by section 11-15 may be included in the register at the discretion of the clerk. The voter's name shall be maintained alphabetically in the register and be capable of segregation by precinct and representative district. The clerk shall keep the original or photographic copy of the affidavit of registration required by section 11-15. The general county register shall[, at all times during business hours, be open to public inspection, and shall be a public record.] be available for election or government purposes only in accordance with section 11- .

(b) The affidavits filed under section 11-15 and the general county register may be copied, and the clerk may release voter lists and tabulating cards or computer tapes containing data furnished in the affidavit[, pursuant to ordinances promulgated by the respective county councils.]; provided that information furnished in the affidavits, register, voter lists, cards, or tapes, shall be copied or released for election or government purposes only in accordance with section 11- .

(c) Voter registration information which is collected and maintained by the clerk of each county may be transmitted to a central file for the purpose of correlating registration data to prevent or detect duplicate voter registrations and for the compilation of election reports.

(d) The clerk of each county shall maintain records by computer tape or otherwise of office of Hawaiian affairs registered voters to facilitate their identification as a separate category of voters."

SECTION 6. Section 11-15, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

(d) If the clerk is satisfied that the applicant is entitled to be registered as a voter the applicant shall then affix the applicant's signature to the affidavit In the case where an applicant is unable to write for reason of illiteracy, blindness or other physical disability the clerk shall enter 'Unable to sign" and the reason in the space for the applicant's signature A voter having once been registered shall not be required to register again for any succeeding election, except as hereinafter provided [The affidavits so] Affidavits approved or accepted by the clerk shall thereupon be numbered appropriately, filed by the clerk and kept [in some convenient place so as to be open to public inspection and examination] available for election or government purposes in accordance with procedures established by section 11- "

SECTION 7 Section 11-24, Hawaii Revised Statutes, is amended to read as follows

"§11-24 Closing register; list of voters. (a) At 4 30 p m on the thirtieth day prior to each primary, special primary, or special election (but if such day is a Saturday, Sunday, or holiday then at 4 30 p m on the first working day immediately thereafter), the general county register shall be closed to registration for persons seeking to vote at such primary, special primary or special election and remain closed to such registration until after the election, subject to change only as provided in sections 11-22, 11-25, 11-26 and this section

(b) Notwithstanding the closing of the register for registration to vote at the primary or special primary election, the register shall remain open for the registration of persons seeking to vote at the general or special general election, until 4 30 p m on the thirtieth day prior to the general or special general election (but if such day is a Saturday, Sunday, or holiday then at 4 30 p m on the first working day immediately thereafter), at the end of which period the general county register shall be closed to registration and remain closed until after the general or special general election next following, subject to change only as provided in sections 11-22, 11-25, and 11-26

(c) Immediately upon the closing of the general county register, the clerk shall proceed to prepare a list of all registered voters in each precinct, separately The list shall contain, in alphabetical order, without designation of the race or age of voters, the names of all voters so registered in each precinct, and the residence of each[ ] unless such residence is deemed confidential pursuant to section 11- The list shall be available for inspection at the office of the county clerk prior to election day On election day the precinct officials shall post the list at the precinct polling place "

SECTION 8 Section 11-97 Hawaii Revised Statutes, is amended to read as follows

"§11-97 Records open to inspection. The register of voters and all records appertaining to the registry of voters, or to any election in the possession of the board of registration, the precinct officials the chief election officer, or the clerk shall, at all reasonable times, be open to the inspection of any voter only for election or government purposes in accordance with section 11- , with the following exception the voted ballots and other sealed election materials shall not be open to the inspection of any voter until after the end of the contest period unless opened upon order of the court "

SECTION 9 Statutory material to be repealed is bracketed New statutory material is underlined [1]

SECTION 10. This Act shall take effect upon its approval.

(Approved June 15, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 157 H.B. NO. 1900

A Bill for an Act Relating to the Vice-Director of Civil Defense.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $15,441, or 0.00060 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 2. Section 128-3, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) There shall be a vice-director of civil defense who shall be appointed and may be removed by the director. The vice-director shall be the [chief administrative] first assistant to the director and shall, in the absence of the director, have all the duties and responsibilities of the director. The vice-director shall receive such compensation as shall be provided pursuant to [chapter 77.] section 26-53. Chapter 76 shall not apply to the vice-director."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $15,441, or so much thereof as may be necessary for fiscal year 1990-1991, for the purpose of this Act. The sum appropriated shall be expended by the department of defense.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 1990.

(Approved June 19, 1990.)

ACT 158 H.B. NO. 2112

A Bill for an Act Relating to Public Health and Morals.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 712-1270, Hawaii Revised Statutes, is amended to read as follows:

"[]§712-1270[] **Places [of prostitution, displaying indecent matter, etc.,] used to commit offenses against public health and morals, a nuisance.** Every place used for the purpose of violating those laws pertaining to offenses against public health and morals contained in parts I [and], II, and IV of this chapter, except offenses under part IV which do not involve distribution of drugs, and every place in or upon which [such] the violations are held or occur[, including but not limited to all forms of prostitution, displaying indecent matter, promoting pornography, and promoting pornography for minors,] in parts I, II, and IV, is a nuisance [which] that shall be enjoined, abated, and prevented, regardless of whether it is a public or private nuisance."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

ACT 159 H.B. NO. 2294

A Bill for an Act Relating to Motor Vehicle Insurance Rates.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that motor vehicle insurance is a complex subject for the average consumer. It is not known by most consumers that motor vehicle insurers have a great deal of flexibility to alter the premium rates they charge by the use of surcharges and credits. Surcharges, which may be imposed for moving traffic violations or not having a prior motor vehicle insurance history, result in a higher rate for drivers the insurers believe are greater risks. Credits are used to help lower rates for drivers the insurers believe are low risks, such as those who completed a driver's education course or had no moving violations for a number of years. Insurers explain their use of surcharges and credits as a necessary means of ensuring that high risk drivers pay their fair share while providing responsible, safe drivers with a reasonable premium.

The legislature also finds that the types and rates of surcharges and credits vary tremendously from insurer to insurer, rendering comparative shopping efforts by consumers confusing, if not impossible. The legislature believes that surcharges and credits are an effective means of maintaining a healthy competitive motor vehicle insurance market which helps constrain insurance costs. However, in view of the disparities among insurers, there is a need for regulation of surcharges and credits to protect the interests of consumers.

The purpose of this Act is to ensure that surcharges and credits are reasonable and that consumers are properly informed about them.

SECTION 2. Section 431:10C-202, Hawaii Revised Statutes, is amended to read as follows:

"**§431:10C-202 Making of motor vehicle insurance rates.** (a) All premium rates for motor vehicle insurance shall be made in accordance with the following provisions:

(1) Rates shall not be excessive, inadequate, or unfairly discriminatory;

(2) Due consideration shall be given to:

(A) Past and prospective loss experience in this State, catastrophe hazards, if any, reasonable margin for profit, and contingencies, dividends, savings, or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members[1] or subscribers;

(B) Reasonable margin for profit from and contingencies in the administration of motor vehicle insurance sold;

(C) Past and prospective expenses in the sale and administration of motor vehicle insurance;

(D) Investment income from reserves, unearned insurance premiums, and other unearned proceeds received on account of motor vehicle insurance sold, and all other factors that may be deemed relevant, such as but not limited to types of vehicles, occupations, and involvement in past accidents, provided they are established to have a probable effect upon losses or expense, or rates; and

(E) Optionally, to past or prospective loss, sales, and administrative costs experience in the nation or regionally, whenever the consideration will serve to reduce rates;

(3) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such[1] insurer or group with respect to any class of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable; and

(4) Risks may be grouped by classifications for the establishing of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. The standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses.

(b) Except to the extent necessary to meet the provisions of subsection (a)(4), uniformity among insurers in any matters within the scope of this section is neither required nor prohibited.

(c) The commissioner shall be prohibited from setting, maintaining, or in any way fixing the rates charged by motor vehicle insurers for motor vehicle insurance issued in conformity with this article as either no-fault insurance or as optional additional insurance except as provided in part IV of this article. Each insurer licensed to underwrite no-fault insurance in the State shall establish its own rate schedule. The commissioner, however, shall monitor and survey the several companies' rate making methods and systems. The commissioner shall require of each insurer and of each self-insurer any and all information, data, internal memoranda, studies, and audits the commissioner deems desirable for the purpose of evaluation, comparison, and study of the methods and schedules.

(d) Notwithstanding subsection (c), commencing on December 16, 1985 and ending on December 31, 1988, all insurers of any motor vehicle shall provide a ten per cent reduction off premium charges each insurer assesses for each new

and renewal policy for no-fault benefits and medical payment coverage for any motor vehicle which is equipped with seat belt assemblies as required under any federal motor vehicle safety standard issued pursuant to Public Law 89-563, the federal National Traffic and Motor Vehicle Safety Act of 1966, as amended, or which is so equipped even if not required to be under any federal motor vehicle standard

(e) Notwithstanding subsection (c), and in addition to all other premium reductions required under this section, commencing on October 1, 1986 and ending on September 30, 1989, all insurers of any motor vehicle shall provide a 1 5 per cent reduction for bodily injury liability, property damage liability, no-fault benefits, uninsured motorist, and underinsured motorist coverages, and a 0 75 per cent reduction for collision coverage off premium charges each insurer assesses for each new and renewal policy, based on the anticipated effects of section 281-78 Commencing on October 1, 1989 and ending on September 30, 1990, at the discretion of and as determined by the commissioner, based on the difference between the actual and anticipated effects of section 281-78, all insurers of any motor vehicle shall provide a refund or credit to each insured at the time of renewal of a no-fault policy

(f) Notwithstanding any other law to the contrary, no insurer shall agree, combine or conspire with any other private insurer or enter into, become a member of, or participate in any understanding, pool, or trust, to fix, control, or maintain, directly or indirectly, motor vehicle insurance rates Any violation of this section shall subject the insurer and each of its officers and employees involved to the penalties of chapter 480 without benefit of any exemption otherwise permitted by section 480-11, provided that this subsection shall not apply to advisory organizations referred to in section 431 14-111 which are not involved in rate making under this article

(g) Notwithstanding any provision in this section to the contrary, the plans and rates for any surcharge or credit included by an insurer as part of the rate filing shall be separately identified Only surcharges and credits that the commissioner deems reasonable shall be used, provided that surcharges and credits shall be deemed reasonable if there is no objection by the commissioner within sixty days of their filing Insurers shall furnish the prospective insured with a written explanation, in easily understandable language, clearly describing the reason for the surcharge or credit and how the amount of the surcharge or credit is determined [1]

SECTION 3 New statutory material is underscored

SECTION 4 This Act shall take effect upon its approval, provided that for insurers with rate filings duly filed with the insurance commissioner as of the effective date of this Act the provisions of this Act shall apply one year after the effective date or upon the next rate filing, whichever is earlier

(Approved June 19 1990)

Note

1 So in original

ACT 160 H.B. NO. 2296

A Bill for an Act Relating to Tourism.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the State of Hawaii has experienced and continues to experience growth in tourism. Moreover, accompanying this continuing growth of tourism is a parallel increase of the State's resident population. Projections of both visitor and resident populations into the twenty-first century have alerted the State to examine this anticipated growth in terms of the State's carrying capacity. In particular, the legislature recognizes the growing community concerns over the extensive and intensive use of environmental resources of the State.

The legislature authorized the initiation of a pilot carrying capacity study in 1989 to develop a general methodology and to conduct a limited site-specific study to test this methodology. The pilot study has been completed for the Ewa-Central Oahu area on the island of Oahu, Hawaii. The pilot study's findings indicate that projected increases in de facto population, which includes visitors and residents, will require extensive infrastructural system improvements to meet minimal design standards for future water service, wastewater disposal, and highway and public transit service requirements. Further, the pilot study indicates that projected de facto population growth and its attendant service requirements will result in increasingly competitive demand for available natural resources, especially water.

The legislature notes that the pilot study report found that a carrying capacity type study is an appropriate planning tool to study the capability of regions within the State to absorb the projected population. The report also noted that the various regions of the State are not uniform environmental settings. These different environmental settings require use of a methodology that recognizes specific geographic and institutional settings.

The legislature finds that the pilot study provides an adequate basis for conducting regional or islandwide studies within the counties of the State. Further, the legislature finds that it is beneficial to the State of Hawaii to continue the carrying capacity study by applying the general methodology developed in the pilot study, as well as introducing study elements that may consider relationships to community well-being.

The purpose of this Act is to initiate two-year regional or islandwide carrying capacity studies within the several counties of the State in light of projected increases in both resident and visitor populations.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990 to 1991 to be exceeded by $200,000, or 0.0078 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. Section 225M-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The office of state planning shall gather, analyze, and provide information to the governor to assist in the overall analysis and formulation of

state policies and strategies to provide central direction and cohesion in the allocation of resources and effectuation of state activities and programs, and effectively address current or emerging issues and opportunities. More specifically, the office shall engage in the following activities:

(1) Comprehensive planning and program coordination. Formulating and articulating comprehensive statewide goals, objectives, policies, and priorities, and coordinating their implementation through the statewide planning system established in part II of chapter 226[ ];

(2) Strategic planning. Identifying and analyzing significant issues, problems, and opportunities confronting the State, and formulating strategies and alternative courses of action in response to identified problems and opportunities by:

(A) Providing in-depth policy research, analysis, and recommendations on existing or potential areas of critical state concern;

(B) Examining and evaluating the effectiveness of state programs in implementing state policies and priorities;

(C) Monitoring through surveys, environmental scanning, and other techniques -- current social, economic, and physical conditions and trends; and

(D) Developing, in collaboration with affected public or private agencies and organizations, implementation plans and schedules and, where appropriate, assisting in the mobilization of resources to meet identified needs[ ];

(3) Population planning. Planning for the management of the State's population size, rate of growth, and distribution through research, coordination, and technical assistance to state and county agencies[ ];

(4) Intergovernmental coordination and cooperation. Facilitating coordinated and cooperative planning and policy development and implementation activities among state agencies, and between the state, county, and federal governments, by:

(A) Reviewing, assessing, and coordinating, as necessary, major plans programs, projects, and regulatory activities existing or proposed by state and county agencies; and

(B) Formulating mechanisms to simplify, streamline, or coordinate interagency development and regulatory processes[ ];

(5) Collection and dissemination of information. Collecting, analyzing, maintaining, and disseminating data and information to further effective state planning, policy analysis and development, and delivery of government services by:

(A) Assembling, organizing, evaluating and classifying existing data and performing necessary basic research in order to provide a common data base for governmental planning; and

(B) Maintaining a centralized depository of state and national planning references[ ];

(6) Capital investment planning:

(A) In cooperation with the director of finance, establishing guidelines and criteria for capital improvement project appropriation proposals consistent with statewide planning goals and objectives and executive priorities; and

(B) Reviewing, in cooperation with the various state departments, the general and development plans of each county to identify statewide interests and to determine state capital improvement project needs of the plans

In furtherance of these responsibilities, before each regular session of the legislature, the director of finance shall supply the governor with copies of the various capital improvement budget requests submitted by state agencies for inclusion in the proposed state executive budget. The director of finance shall also supply the governor with a list of proposed public works to be financed during the succeeding six years. Each county shall similarly provide the governor with a list of necessary capital improvements it expects to have financed during the succeeding six years. In preparing the lists, the counties shall indicate the contemplated means of financing each project. The office of state planning shall review the various capital improvement budget requests in relation to chapter 226 and any goals and objectives which the governor may prescribe. The office of state planning shall advise the governor on the various capital improvement budget requests and shall assist the governor as directed in formulating the capital improvements program[.];

(7) Land use planning. Developing and presenting the position of the State in all boundary change petitions and proceedings before the land use commission, assisting state agencies in the development and submittal of petitions for land use district boundary amendments, and conducting periodic reviews of the classification and districting of all lands in the State, as specified in chapter 205[.];

(8) Coastal and ocean policy management. Carrying out the lead agency responsibilities for the Hawaii coastal zone management program, as specified in chapter 205A. Also, developing and maintaining an ocean and coastal resources information, planning, and management system[.]; and

(9) Regional studies. Conducting studies to determine:

(A) The capability of various regions within the State to support projected increases in both resident populations and visitors;

(B) The potential physical, social, economic, and environmental impact on these regions resulting from increases in both resident populations and visitors; and

(C) The maximum annual visitor carrying capacity for the State by region, county, and island.

The studies shall be conducted at appropriate intervals, but not less than once every five years."

SECTION 4. The office of state planning shall prepare and submit a report to the legislature during the regular session of 1991. The report shall include, but not be limited to:

(1) A survey and evaluation of existing data bases and other data systems and sources to determine their applicability to SECTION 3 of this Act;

(2) Identification of any additional data bases and data collection systems which must be developed for this purpose including estimated costs; and

(3) Long-range program plans for the implementation of this Act.

The office shall determine the phasing of these regional or islandwide studies on a priority basis, recognizing the needs of regions that are faced with rapid growth and change, availability of data, and other suitable criteria.

SECTION 5 These studies shall commence as soon as practicable The office may contract with other public or private entities to undertake regional carrying capacity studies The studies may include, but not be limited to

(1) Infrastructure demand, including utilities, land use, and zoning,
(2) Social factors, such as, but not limited to, community services and visitor population density,
(3) Economic factors, such as, but not limited to, labor force and market conditions,
(4) Cultural factors, such as, but not limited to, cultural tourism and sites,
(5) Environmental factors, such as, but not limited to, conversion of conservation lands, and
(6) Safety factors, such as, but not limited to, tsunami-prone and flood-prone areas

SECTION 6 There is appropriated out of the general revenues of the State of Hawaii the sum of $200,000, or so much thereof as may be necessary for fiscal year 1990-1991 to carry out the purposes of this Act

SECTION 7 The sum appropriated shall be expended by the office of state planning

SECTION 8 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 9 This Act shall take effect on July 1, 1990

(Approved June 19 1990)

ACT 161 H B NO 2368

A Bill for an Act Relating to Parking for Disabled Persons

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 291-55, Hawaii Revised Statutes, is amended to read as follows

"**[|§291-55|] Parking privileges.** Any vehicle displaying the placard issued under this part shall be permitted to park, without payment of metered parking fees, in any metered or unmetered parking space designated for the use of disabled persons in accordance with law Any vehicle displaying a disabled driver placard issued under this part shall be permitted to park, without payment of metered parking fees in any metered or unmetered parking space for a maximum of two-and-a-half hours or the maximum amount of time the meter allows, whichever is longer All parking fees not specifically exempted under this part shall remain in effect "

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved June 19 1990)

ACT 162 H.B. NO. 2649

A Bill for an Act Relating to a Community-Based Teenage Health Clinic Demonstration Project.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that "street youth" are underserved by existing health services in our communities. There is a great need to provide a range of health care services, particularly primary and preventive health care, to these teenagers in a supportive and accessible environment.

The purpose of this Act is to establish a demonstration community-based teenage health clinic, with an outreach program, in Waikiki on the island of Oahu to improve health care for "street youth".

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $150,000, or 0.0059 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. As used in this Act, unless the context otherwise requires:

"Parent" means a parent, custodian, or guardian.

"Professional" means a professional health care provider such as a physician, physician's assistant, counselor, social worker, nurse, or nurse-practitioner.

"Records" includes the results of laboratory screenings and tests.

"Street youth" means a teenager who has no responsible adult supervision.

"Teenager" means a person not less than thirteen years of age but not more than nineteen years of age.

SECTION 4. The director of health, with the assistance of the director of human services, shall establish, operate, and administer a community-based teenage health clinic in Waikiki on the island of Oahu. In connection therewith, the director shall determine the types of health services and pharmaceutical products that may be provided by the clinic, provided that the performance of abortions at the clinic shall be expressly prohibited. The director shall also develop outreach strategies that increase the accessibility of clinic services to street youth.

Where feasible, the director of health may enter into agreements, including purchase of service agreements, as may be necessary to carry out the purposes of this section.

SECTION 5. (a) Except as provided by section 577A-2, Hawaii Revised Statutes, a teenager shall not be required to obtain the permission of a parent to be eligible to receive services at the clinic if in the judgment of a clinic professional, the teenager is capable of giving informed consent, the services or pharmaceutical products are clearly for the teenager's benefit, and the teenager is a street youth.

Any clinic professional who in good faith makes the determination that:

(1) A teenager is capable of giving informed consent,
(2) The services or pharmaceutical products are clearly for the teenager's benefit, and
(3) The teenager is a street youth,

shall have immunity from any civil or criminal liability based exclusively on that determination

This subsection shall not be construed to confer on the clinic professional immunity from liability arising from negligence or malpractice on the part of the professional in rendering professional service to the street youth

(b) The clinic shall not be required to notify the street youth's parents of the medical care and services provided to that youth However, the clinic, at the discretion of the clinic professional, may inform the street youth's parents of the provision of medical care and services to the youth and may disclose any information pertaining to the provision of medical care and services, after consulting with the youth to whom the medical care and services have been provided

SECTION 6 Except as otherwise provided by law, all medical records maintained by the community-based health clinic shall be considered confidential information

SECTION 7 The director of health shall appoint and remove physicians, pharmacists, nurse-practitioners, nurses, counselors, social workers, and any other persons as the department of health may employ to implement this Act The personnel shall be exempt from chapters 76 and 77

SECTION 8 The director of health shall appoint an advisory council for the teenage health clinic demonstration project composed of fifteen or more members, including pediatricians and other members of the medical profession, community members, businesses, and organizations, and representatives from the departments of health and human services, the pediatrics department of the University of Hawaii School of Medicine, and the family court The members of the council shall designate its chairperson The council shall be advisory to the director of health and shall assist the director in collecting project data, monitoring, assessing, and evaluating the effectiveness of the project; and developing program and policy needs in order to effectively carry out the purposes of this Act

SECTION 9 The director of health with assistance and input from the advisory council shall report to the legislature on the experience of the community-based teenage health clinic demonstration project, including the outreach program for street youth, at least thirty days prior to the convening of each regular session The report shall include, but not be limited to

(1) The number of street youth served and the types of health services and pharmaceutical products provided by the clinic,
(2) The operating costs of the clinic and outreach program,
(3) Any quantifiable changes in high-risk behaviors among street youth receiving services and pharmaceutical products at the clinics,
(4) The number of street youth served and the types of services provided by the outreach program,
(5) Recommended changes to improve the demonstration project, including recommendations on the advisability of continuing the project, and

(6) Any other information that the department of health may determine to be necessary to assist the legislature in evaluating the efficacy, cost-effectiveness, and intangible merits of the demonstration project.

SECTION 10. There is appropriated out of the general revenues of the State of Hawaii the sum of $150,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the department of health to establish, operate, and administer the community-based teenage health clinic demonstration project for street youth, including the hiring of necessary personnel. The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 11. This Act shall take effect upon its approval; provided that section 10 shall take effect on July 1, 1990; and provided further that this Act shall be repealed on June 30, 1993.

(Approved June 19, 1990.)

ACT 163 H.B. NO. 2895

A Bill for an Act Relating to Bonds.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds and determines that it is in the best interest of the State that a reserve fund be created to set aside funds from time to time to be available to pay debt service on general obligation bonds issued by the State in the form known as "compound interest bonds." The existence of such a reserve fund will aid in fostering level budget requirements even though actual debt service requirements may vary greatly from year to year due to the nature of compound interest bonds. The purpose of this Act is to establish such a reserve fund.

SECTION 2. Chapter 39, Hawaii Revised Statutes, is amended by adding a new section, to be appropriately designated, and to read as follows:

"**§39- Compound interest bond reserve fund.** (a) There is hereby established the Hawaii compound interest bond reserve fund, as a trust fund in the state treasury for the benefit of the State, to be held and administered by the department of budget and finance. The director, from time to time, may transfer a portion of general excise tax revenues collected pursuant to section 237-31 to the credit of the compound interest bond reserve fund, up to but not in excess of $5,000,000 during any fiscal year. Not fewer than thirty days before the convening of each regular session of the legislature, the director shall submit to the legislature a report of all funds transferred to the credit of the compound interest bond reserve fund.

(b) The moneys in the compound interest bond reserve fund shall be held exclusively for the payment of principal of and interest on compound interest bonds. The moneys shall be invested in such amounts and in a manner as will assure the availability to the State of moneys in an amount, together with other moneys available therefor, sufficient to make payments of principal of and interest on compound interest bonds as the same become due. The director of finance may invest and reinvest moneys deposited in the compound interest

bond reserve fund only in a manner that will not cause the interest on any series of compound interest bonds to be includable in gross income for federal income tax purposes for any reason, including, without limitation, by causing any compound interest bond to be subjected to treatment as an "arbitrage bond," as defined in section 148(a) of the Internal Revenue Code of 1986, as amended, and applicable regulations."

SECTION 3. Section 237-31, Hawaii Revised Statutes, is amended to read as follows:

"**§237-31 Remittances.** All remittances of taxes imposed by this chapter shall be made by money, bank draft, check, cashier's check, money order, or certificate of deposit to the office of the department of taxation to which the return was transmitted. The department shall issue its receipts therefor to the taxpayer and shall pay the moneys into the state treasury as a state realization, to be kept and accounted for as provided by law; provided that on or about September 1 of each year from 1989 through 1995, the sum of [$90 million] $90,000,000 from all general excise tax revenues realized by the State shall be deposited in the state treasury in each fiscal year to the credit of the state educational facilities improvement special fund; provided further that a sum, not to exceed $5,000,000, from all general excise tax revenues realized by the State shall be deposited in the state treasury in each fiscal year to the credit of the compound interest bond reserve fund; provided further that from July 1, 1981, to June 30, 1991, all taxes derived from the sale of liquid fuel under section 237-16, sold or used for operating motor vehicles upon the public highways of the State, shall be deposited into the state treasury to the credit of the state highway fund.

The director of taxation with the approval of the governor shall establish by July 1 of each year from 1984 through 1990, a formula that will equitably establish the amount of taxes collected under section 237-16 in each fiscal year that are derived from the sale of liquid fuel sold or used for operating motor vehicles upon the public highways of the State which are to be deposited into the state treasury to the credit of the state highway fund."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.[1]

SECTION 5. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 164 S.B. NO. 26

A Bill for an Act Relating to Government Regulation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to amend the Hawaii Revised Statutes by adding new parts, amending current sections and subsections, and deleting outdated and unnecessary statutes which deal with government regulation.

PART I

SECTION 2. Chapter 709, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§709- Tobacco; minors.** (1) It shall be unlawful to sell or furnish tobacco in any shape or form, including chewing tobacco and snuff, to a minor under eighteen years of age.

(2) Signs using the statement, "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER EIGHTEEN IS PROHIBITED", shall be posted on or near any vending machine in letters at least one-half inch high and at any other location where tobacco products are sold in letters at least one inch high.

(3) It shall be unlawful for a minor under eighteen years of age to purchase any tobacco product, as described under subsection (1).

(4) Any person who violates subsection (1) or (2), or both, shall be fined not more than $100 for the first offense. Any subsequent offenses shall subject the person to a fine not less than $100 nor more than $1,000. Any minor under eighteen years of age who violates subsection (3) shall be fined $10 for the first offense. Any subsequent offense shall subject the violator to a fine of $50, no part of which shall be suspended, or the person shall be required to perform not less than forty-eight hours nor more than seventy-two hours of community service during hours when the person is not employed and is not attending school."

SECTION 3. Chapter 804, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"**§804- Fee; penalty.** (a) Every person who, for compensation, acts as surety on any bail bond or bond to keep the peace shall pay an annual license fee of $10; provided that this section shall not apply to any person authorized to act as surety under chapter 431.

(b) Every person who violates this section shall be fined not more than $250.

§804- Limit of compensation; penalty. (a) The amount of compensation which may be collected on any bail bond or bond to keep the peace by one or more persons acting as sureties thereon shall not exceed ten per cent of the amount thereof but need not be less than $10 in any event.

(b) Every person holding a license to act as surety on any bail bond or bond to keep the peace who violates this section shall be fined not more than $250 and shall forfeit the license and shall not be entitled to receive a similar license for a period of one year thereafter."

SECTION 4. Section 445-3, Hawaii Revised Statutes, is amended to read as follows:

"**§445-3 Signed by whom.** Every license shall be signed by the treasurer of the county[,] within which the license is to be operative[, and impressed with the seal of the treasurer's office. The seal shall be as determined by the council]."

SECTION 5. Section 445-5, Hawaii Revised Statutes, is amended to read as follows:

"**§445-5 Fees; date when due and payable.** All fees for licenses prescribed by any law of the State, except as otherwise specifically provided, shall be due and payable [in advance on July 1, in each year, or on commencing any trade or business for which the license is required In the former case the license fee shall be reckoned for one year, and in the latter case it shall be reckoned proportionally from the first day of the month in which the trade or business is begun to July 1 following] at times to be established by the county within which the license is to be operative "

SECTION 6 Section 445-7, Hawaii Revised Statutes, is repealed

SECTION 7 Section 445-8, Hawaii Revised Statutes, is repealed

SECTION 8 Section 445-12, Hawaii Revised Statutes is amended to read as follows

"**§445-12 Business without license forbidden[.]; not transferable; penalty.** (a) The carrying on of any business, or the doing of any act in this chapter enumerated, except upon obtaining a license in conformity with the provisions thereof, is forbidden

(b) No license issued under this chapter shall be transferable

(c) Any person who engages in or carries on any business, or does any act enumerated in this chapter, the engaging in or doing of which is therein required to be licensed, without first obtaining a license issued in conformity with the provisions thereof, or who sells any goods, wares, merchandise, produce, or thing of value, contrary to the terms of this chapter, or who violates or fails to observe this chapter shall be fined a maximum of $500 per day, unless otherwise provided in this chapter "

SECTION 9 Section 445-13, Hawaii Revised Statutes, is amended to read as follows

"**§445-13 License inspectors.** The deputy sheriff of Kalawao [and], any police officer, or any authorized representative of the county director of finance duly authorized by a chief of police shall be ex officio license inspectors of the [districts] counties for which they are appointed or authorized, and as such, they shall from time to time report to the county [treasurer] director of finance the names of all persons within the [district] county who are liable for the payment of license fees "

SECTION 10 Section 445-15, Hawaii Revised Statutes, is amended to read as follows

"**§445-15 Control by ordinance.** Each council has the power by ordinance

[(1) To require or eliminate the requirement for annual licenses, and impose annual license fees, for any business engaged in within the county, except as provided in paragraph (4)

(2)] (1) To increase, decrease, or waive effective upon the expiration of any existing license, the annual fee for a license issued under this chapter, [except as provided in paragraph (4),] or to exempt wholly or partially, the payment by any religious, charitable, or educational organization or institution of any license fee imposed in this chapter or any ordinance enacted hereunder with respect to any business

which is not regularly engaged in or carried on by such organization or institution[.]; and

[(3)] (2) To [make such] adopt rules [and regulations] not inconsistent with law concerning the conduct of the business of all persons licensed under this chapter, as deemed necessary for the public [good.] health, safety, or welfare.

[(4) The powers conferred by paragraphs (1) and (2) shall not be exercised in respect of:

(A) Motor vehicle dealers, as defined by chapter 437.
(B) Licensees under chapter 281, relating to intoxicating liquor.
(C) Sellers of "tobacco products," as defined by chapter 245.
(D) Sellers of "liquid fuel" as defined by chapter 243.
(E) Banks, savings and loan, or building and loan associations, public utilities, insurers, and insurance agents.
(F) Boxing.
(G) Fishing.]"

SECTION 11. Section 445-16, Hawaii Revised Statutes, is repealed.

SECTION 12. Section 445-21, Hawaii Revised Statutes, is amended to read as follows:

"**§445-21 Fee.** The annual fee for a license to sell goods, wares, [and] merchandise, or other property at auction, shall be $100 [for the district of Honolulu, and $15] for each [other] taxation district."

SECTION 13. Chapter 445, Hawaii Revised Statutes, is amended by repealing the subdivision relating to billiards and bowling alleys.

SECTION 14. Chapter 445, Hawaii Revised Statutes, is amended by repealing the subdivision relating to beef or pork.

SECTION 15. Chapter 445, Hawaii Revised Statutes, is amended by repealing the subdivision relating to laundry.

SECTION 16. Section 445-94, Hawaii Revised Statutes, is amended to read as follows:

"**§445-94 Certificates.** (a) No license shall be issued for a lodging or tenement house, group home, group residence, group living arrangement, hotel, or boardinghouse, [or restaurant,] until the applicant secures from the department of health and presents to the treasurer a certificate setting forth that an agent of the department has examined the building or buildings, with a description sufficient to identify and locate the same, and that the same are in good sanitary condition.

(b) No initial license shall be issued for a lodging or tenement house, group home, group residence, group living arrangement, hotel, or boardinghouse, [or restaurant,] until the applicant secures a clearance from the appropriate county agency responsible for ensuring compliance with county building and zoning codes and presents to the treasurer a certificate setting forth that an agent of the agency has examined the building or buildings, proposed to be used for such purposes, with a description sufficient to identify and locate the same; and that the same are in compliance with the building and zoning codes."

SECTION 17 Section 445-95, Hawaii Revised Statutes, is amended to read as follows

"**§445-95 Conditions of license.** A lodging or tenement house, group home, group residence, group living arrangement, hotel, or boardinghouse, [or restaurant] license shall be issued upon the following express conditions, which shall be incorporated in the license

(1) The licensee shall not permit noisy or disorderly conduct in the building or buildings;

(2) No person engaging in acts of prostitution shall be allowed to reside therein or resort thereto,

(3) No intoxicating liquor or other intoxicating substance shall be furnished or sold therein, except as authorized by law,

[(4) No more persons shall be lodged therein at any time than are permitted by the license,

(5)] (4) The building or buildings and premises licensed shall be kept in good sanitary condition, in accordance with law and with the orders of the agent of the department of health,

[(6)] (5) The police, agents of the licensing department, agents of the state department of health and agents of the appropriate county agencies responsible for compliance with the county's building and zoning codes shall at all times have access for purposes of inspection to enforce or administer this chapter and other applicable laws or rules,

[(7)] (6) No gaming shall be allowed,

[(8)] (7) The licensee, if a lodging or tenement house, group home, group residence, group living arrangement, or boardinghouse shall keep records identifying its tenants, lodgers, or boarders; and

[(9)] (8) No facility shall deliver or purport to deliver health care services or treatment unless it is licensed, certified, or contracted for by the State or other governmental agencies to do so."

SECTION 18 Section 445-96, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Any person who keeps a lodging or tenement house, group home, group residence, group living arrangement, hotel, or boardinghouse, [or restaurant] without a license [under sections 445-92 or 445-93 as applicable] shall be [guilty of a misdemeanor] fined in accordance with section 445-12 "

SECTION 19 Chapter 445, Hawaii Revised Statutes, is amended by repealing the subdivision relating to milk

SECTION 20 Section 445-132, Hawaii Revised Statutes, is amended to read as follows

"**§445-132 Fee.** The treasurer may grant licenses for the period of one year, to suitable persons, to carry on the business of pawnbroking upon payment of the sum of [$50] $100 "

SECTION 21. Section 445-133, Hawaii Revised Statutes, is amended to read as follows

"**§445-133 Conditions of license; interest, redemption, etc.; records.** Every license [shall be issued upon these express conditions which shall be set forth in the licenses:] issued pursuant to this part shall be regarded as having been accepted by the licensee subject to the following conditions:

(1) That the licensee will not charge or receive interest at more than the rate of four per cent a month for any loan under $20, nor at more than the rate of two per cent a month for any loan above $20 and under $100, nor at more than the rate of one per cent a month for any loan above $100, nor exact any other gain, profit, or reward by charging commissions, discount, storage, or other charge, or by compounding interest or by any device increasing such interest, except a licensee may charge the following:
   (A) A charge not exceeding $1 may be made on any loan for not more than 30 days which does not exceed $14.99;
   (B) A charge not exceeding $3 may be made on any loan for not more than 90 days of $15 or more, but not exceeding $24.99;
   (C) A charge not exceeding $5 may be made on any loan for not more than 90 days of $25 or more, but not exceeding $49.99;
   (D) A charge not exceeding $7.50 may be made on any loan for not more than 90 days on any loan of $50 or more, but not exceeding $74.99;
   (E) A charge not exceeding $10 may be made on any loan for not more than 90 days of $75 or more, but not exceeding $149.99;
(2) That the licensee will not sell any article pledged to the licensee and unredeemed within six months after the last day fixed by contract for redemption, nor make any such sale without publishing at least twice in a newspaper published in the county where the licensee does business, or if there is no such newspaper, then in a newspaper published in Honolulu in English, at least ten days, and not more than thirty days, before such sale a notice describing the article, and specifying the time and place of sale;
(3) That the licensee will disclose to the pledgor or the pledgor's agent the name of the purchaser and the price received by the licensee for any article so pledged and sold;
(4) That the licensee will provide each pledgor, on the date the article is pledged, with a written contract signed by the licensee and pledgor both and specifying the terms and conditions under which the article is pledged and may be redeemed, date of commencement of interest on the loan, date of the last day for redemption, amount of the loan, rate of interest on or charge for the loan, and article pledged. One copy of each contract shall be retained by the licensee until the redemption of the article pledged or for one year after an unredeemed article is sold by the licensee;
(5) That the licensee will provide each pledgor with a receipt on the date the pledgor makes a payment on an outstanding portion, including interest or charge, of a loan. The receipt shall include the amount paid, date of payment, balance outstanding after the payment, and article pledged by the pledgor for the loan. The licensee will not require, as a condition of issuance of a receipt, a pledgor to return a receipt previously issued to the pledgor;
(6) That the licensee will keep a book in which shall be written the date, duration, amount, rate of interest of any loan made by the licensee, an accurate description of the property pledged, and the name and residence of the pledgor. A record of all sales made shall also be

entered in the book No entry in the book shall be erased, mutilated, or changed,

(7) That the licensee will make out and deliver to the chief of police, or the chief's authorized subordinate, of the county in which the licensee carries on business, on or before twelve o'clock noon of the last business day of each week, a true and correct copy of all the entries required under paragraph (6) to be made by the licensee in the book concerning the licensee's transactions for that week and for the period since the licensee's last preceding report, which record shall be preserved by the chief of police and shall be open to the inspection of any person upon satisfactory showing to the chief of police that the inspection is desired for a proper purpose;

(8) That the licensee will not receive any article by way of pawn or pledge from any minor, knowingly or with reason to believe such person a minor,

(9) That the books of the licensee, all contracts retained, all accounts of sales, the licensed premises, and all articles therein may at any time be examined by the chief of police or the chief's authorized subordinate or the director of finance of the county where the licensee transacts business, or by any person presenting to the licensee a written authorization so to do from the chief of police or the chief's authorized subordinate or the director of finance, and

(10) That the licensee will forthwith notify the chief of police or the chief's authorized subordinate of the county wherein the licensee carries on business of any offer made by any person to pledge any articles which the licensee has reasonable cause to suspect have been stolen

The omission of any of the foregoing conditions from the license shall not relieve the licensee from the obligation to comply with this section "

SECTION 22 Section 445-141, Hawaii Revised Statutes, is amended to read as follows

"**§445-141 [Fees; exceptions.** Except as otherwise provided, the fee for license to peddle merchandise shall be as follows

The fee for an annual license shall be $25 and the fee for a monthly license or for a period less than one month shall be $5 No license shall be required of persons peddling fish, fresh fruit, leis, flowers, or vegetables, nor of any person who has reached the age of sixty years

A license to peddle merchandise authorizes the holder thereof to peddle only in the county which is named in the license] Licensing Each council shall have the power to enact ordinances [not inconsistent with any law regulating the conduct of the business of all persons licensed under this section, prohibiting the impeding or obstructing, with the intent to physically inconvenience the general public or any member thereof in any public place or in any place open to the public] providing for the licensing and regulation of any person who peddles merchandise "

SECTION 23 Chapter 445, Hawaii Revised Statutes, is amended by repealing the subdivision relating to public shows

SECTION 24 Section 445-185, Hawaii Revised Statutes, is amended to read as follows

"**§445-185 Fee.** The fee for a license to carry on business as a solicitor shall be [as follows:

(1) For a quarterly license, $7.50;

(2) For an annual license, $25.] $100 a year."

SECTION 25. Chapter 445, Hawaii Revised Statutes, is amended by repealing the subdivision relating to steam laundries in Honolulu.

SECTION 26. Chapter 445, Hawaii Revised Statutes, is amended by repealing the subdivision relating to surety, bail bond.

SECTION 27. Chapter 445, Hawaii Revised Statutes, is amended by repealing the subdivision relating to tobacco, cigars, and cigarettes.

SECTION 28. Chapter 445, Hawaii Revised Statutes, is amended by designating:

(1) Sections 445-1 through 445-15 as "Part I. General";

(2) Sections 445-21 through 445-38 as "Part II. Auction";

(3) Sections 445-91 through 445-96 as "Part III. Lodging or Tenement Houses, Hotels, and Boardinghouses";

(4) Sections 445-111 through 445-121 as "Part IV. Outdoor Advertising";

(5) Section 445-131 through 445-136 as "Part V. Pawnbrokers";

(6) Section 445-141 as "Part VI. Peddlers";

(7) Sections 445-171 through 445-172 as "Part VII. Secondhand Dealers";

(8) Sections 445-181 through 445-186 as "Part VIII. Solicitors";

(9) Sections 445-221 through 445-226 as "Part IX. Vehicles and Drivers for Hire"; and

(10) Sections 445-231 through 445-235 as "Part X. Scrap Dealers".

PART II

SECTION 29. Section 801D-4, Hawaii Revised Statutes, is amended to read as follows:

"**[|§801D-4|] Basic bill of rights for victims and witnesses.** Upon written request, victims and surviving immediate family members of crime shall have the following rights:

(1) To be informed by the police and the prosecuting attorney of the final disposition of the case. If the crime charged is a felony, the victim or a surviving immediate family member shall be notified of major developments in the case and whenever the defendant or perpetrator is released from custody. The victim or a surviving immediate family member shall also be consulted and advised about plea bargaining by the prosecuting attorney.

(2) To be notified by the prosecuting attorney if a court proceeding to which they have been subpoenaed will not proceed as scheduled.

(3) To receive protection from threats or harm in accordance with the Hawaii Witness and Security Protection Act program guidelines.

(4) To be informed by the police, victim/witness counselor, or other criminal justice personnel, of financial assistance and other social services available as a result of being a witness or a victim of crime,

including information on how to apply for the assistance and services.

(5) To be provided by the court, whenever possible, with a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families and friends of defendants

(6) To have any stolen or other personal property expeditiously returned by law enforcement agencies when such property is no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property, the ownership of which is disputed, shall be returned to the person within ten days of being taken

(7) To be informed by the department of public safety of changes planned by the department in the custodial status of the offender that allows or results in the release of the offender into the community, including furlough, work release, placement on supervised release, release on parole, release on bail bond, release on appeal bond, and final discharge at the end of the prison term."

SECTION 30 Statutory material to be repealed is bracketed. New statutory material is underscored.[1]

SECTION 31 This Act shall take effect upon its approval.

(Approved June 19 1990)

Note

1 Edited pursuant to HRS §23G-16 5

ACT 165 S B NO 46

A Bill for an Act Relating to Unattended Vehicles

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1. The legislature finds that the charges for towing vehicles left unattended on private and public property have not kept pace with the rising costs of towing companies for their services The legislature further finds that the current charges were established by Act 91, Session Laws of Hawaii 1976, and have remained unchanged.

The purpose of this Act is to increase the charge for the tow of a vehicle and for a tow using a dolly to reflect the increase in costs for these services.

SECTION 2 Section 290-11, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows

"(b) Towing companies engaged by the owner, occupant, or person in charge of the property shall charge [no] not more than [$25] $35 a tow, [$37.50] $40 for a tow using a dolly, plus $1 a mile for any towing mileage over five miles, and $6 for each twenty-four hour period of storage or fraction thereof The towing company shall determine the name of the legal owner and the registered owner of the vehicle from the department of transportation or the county department of finance. The legal owner and the registered owner shall be notified in writing at the address on record with the department of transportation or with the county department of finance by registered or certified mail of the location of

the vehicle, together with a description of the vehicle, within a reasonable period not to exceed twenty days following the tow. The notice shall state that if the vehicle is not recovered within thirty days after the mailing of the notice, the vehicle shall be deemed abandoned and will be sold or disposed of as junk. Where the owners have not been so notified, then the owner may recover the owner's car from the towing company without paying tow or storage fees; provided that the notice need not be sent to a legal or registered owner or any person with an unrecorded interest in the vehicle whose name or address cannot be determined. A mail receipt signed by the registered owner is prima facie evidence of notification. A person who has been charged in excess of the charges permitted under this section may sue for damages sustained, and, if the judgment is for the plaintiff, the court shall award the plaintiff a sum not to exceed the amount of such damages and reasonable attorney's fees together with the cost of suit."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

ACT 166 S.B. NO. 2117

A Bill for an Act Relating to the Sunset Law.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the current seven year schedule of sunset review has become overburdensome due to the increasing number of professions to be reviewed each year. In the interests of obtaining accurate and thorough reviews for all the professions, the legislature finds a need to adjust the review cycle.

The purposes of this Act are to add chapter 468 (Solicitors; Business of Taking Orders) to the sunset review schedule and to reorganize and redistribute the laws and agencies subject to review over a period of ten years.

SECTION 2. Chapter 26H, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§26H- Impact of inclusion.** The inclusion of any regulatory program into the provisions of this chapter shall not be held to confer any regulatory authority or jurisdiction on any department which does not otherwise have jurisdiction. In particular, the department of commerce and consumer affairs shall not be conferred any authority or jurisdiction not directly conferred by assignment of a regulatory measure to that department."

SECTION 3. Section 26-9, Hawaii Revised Statutes, is amended by amending subsection (n) to read as follows:

"(n) Every person licensed under any chapter subject to section 26H-4, other than chapter 468, and every person licensed subject to chapter 485 shall pay upon issuance of a license, permit, certificate, or registration a fee of $10 and a subsequent annual fee of $10, which may be collected biennially or pursuant to

rules adopted under chapter 91 and which shall be deposited into the special fund established under this subsection Every filing pursuant to chapter 514E or section 485-6(15) shall be assessed, upon initial filing and at each renewal period, where a renewal is required, a fee which shall be prescribed by rules adopted under chapter 91 and which shall be deposited into the special fund established under this subsection Any unpaid fee shall accrue and shall be paid by the licensed person, upon application for renewal of a license, and by the person responsible for the renewal of any filing, upon the application for renewal of the filing If the accrued fees are not paid, the director may deny renewal of the license or filing The director may increase or decrease the fees when necessary pursuant to rules adopted under chapter 91

There is created in the state treasury a special fund to be expended by the director's designated representative for compliance resolution as provided by this subsection Notwithstanding any law to the contrary, the moneys in the fund shall consist of annual fees collected under this subsection and section 514A-95 and penalties or fines assessed as a result of action brought by the personnel hired under this subsection. The director may use the moneys in the fund to employ, without regard to chapters 76 and 77, hearings officers, investigators, attorneys, accountants, and other necessary personnel. The moneys in the fund may be used to train such personnel as the director finds necessary and for any other activity related to compliance resolution

As used in this subsection, unless otherwise required by the context, "compliance resolution" means a determination of whether.

(1) Any licensee or applicant under any chapter subject to section 26H-4, other than chapter 468, has complied with that chapter,
(2) Any person subject to chapter 485 has complied with that chapter; or
(3) Any person submitting any filing required by chapter 514E or section 485-6(15) has complied with chapter 514E or section 485-6(15).

The director shall prepare and submit an annual report to the governor and the legislature on the use of the compliance resolution fund This subsection shall be repealed effective July 1, 2001 "

SECTION 4 Section 26H-4, Hawaii Revised Statutes, is amended to read as follows.

"**§26H-4 Repeal dates.** (a) The following chapter and sections are hereby repealed effective December 31, 1990

(1) Chapter 466J (Board of Radiologic Technology)
(2) Sections 321-13 to 321-15 (midwives, laboratory directors, laboratory technologists, laboratory supervisors, laboratory technicians, tattoo artists, electrologists, and sanitarians)

(b) The following chapters are hereby repealed effective December 31, 1991

[(1) Chapter 447 (Dental Hygienists)
(2) Chapter 453 (Board of Medical Examiners)
(3) Chapter 457 (Board of Nursing)
(4)] (1) Chapter 458 (Board of Dispensing Opticians)
[(5)] (2) Chapter 460J (Pest Control Board)
[(6)] (3) Chapter 462A (Pilotage)
[(7) Chapter 438 (Board of Barbers)
(8)] (4) Chapter 468K (Travel Agencies)

(c) The following chapters and sections are hereby repealed effective December 31, 1992:

[(1) Chapter 448H (Elevator Mechanics Licensing Board)
(2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
(3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
(4) Chapter 460 (Board of Osteopathic Examiners)
(5) Chapter 461 (Board of Pharmacy)
(6) Chapter 461J (Board of Physical Therapy)
(7) Chapter 463E (Podiatry)
(8)] (1) Chapter 467D (Social Workers)
(2) Chapter 446 (Debt Adjusters)
(3) Sections 445-21 to 38 (Auctions)
(4) Sections 445-131 to 136 (Pawnbrokers)
(5) Sections 445-171 to 172 (Secondhand Dealers)
(6) Sections 445-231 to 235 (Scrap Dealers)

(d) The following chapters are hereby repealed effective December 31, 1993:

[(1) Chapter 437 (Motor Vehicle Industry Licensing Board)
(2) Chapter 437B (Motor Vehicle Repair Industry Board)
(3) Chapter 440 (Boxing Commission)
(4) Chapter 446 (Debt Adjusters)
(5) Chapter 436E (Board of Acupuncture)]
(1) Chapter 461J (Board of Physical Therapy)
(2) Chapter 463E (Podiatry)
(3) Chapter 460 (Board of Osteopathic Examiners)
(4) Chapter 453 (Board of Medical Examiners)
(5) Chapter 452 (Board of Massage)

[(e) The following sections are hereby repealed effective December 31, 1993:

(1) Sections 445-21 to 38 (Auctions)
(2) Sections 445-131 to 136 (Pawnbrokers)
(3) Sections 445-171 to 172 (Secondhand Dealers)
(4) Sections 445-231 to 235 (Scrap Dealers)

(f)] (e) The following chapters are hereby repealed effective December 31, 1994:

[(1) Chapter 441 (Cemetery and Funeral Trusts)
(2) Chapter 443B (Collection Agencies)
(3) Chapter 452 (Board of Massage)
(4) Chapter 455 (Board of Examiners in Naturopathy)
(5) Chapter 459 (Board of Examiners in Optometry)
(6) Chapter 442 (Board of Chiropractic Examiners)
(7) Chapter 373 (Commercial Employment Agencies)
(8) Chapter 448 (Board of Dental Examiners)
(9) Chapter 465 (Board of Psychology)
(10) Chapter 468E (Speech Pathology and Audiology)]
(1) Chapter 457 (Board of Nursing)
(2) Chapter 457B (Board of Examiners of Nursing Home Administrators)
(3) Chapter 461 (Board of Pharmacy)
(4) Chapter (Nurse Aides)
(5) Chapter 447 (Dental Hygienists)

[(g)] (f) The following chapters are hereby repealed effective December 31, 1995

[(1) Chapter 439 (Board of Cosmetology)
(2) Chapter 444 (Contractors License Board)
(3) Chapter 448E (Board of Electricians and Plumbers)
(4) Chapter 454 (Mortgage Brokers and Solicitors)
(5) Chapter 454D (Real Estate Collection Servicing Agents)
(6) Chapter 464 (Professional Engineers, Architects, Surveyors and Landscape Architects)
(7) Chapter 466 (Board of Public Accountancy)
(8) Chapter 467 (Real Estate Commission)]
(1) Chapter 437 (Motor Vehicle Industry Licensing Board)
(2) Chapter 437B (Motor Vehicle Repair Industry Board)
(3) Chapter 448H (Elevator Mechanics Licensing Board)
(4) Chapter 440 (Boxing Commission)
(5) Chapter 451A (Board of Hearing Aid Dealers and Fitters)

(g) The following chapters are hereby repealed effective December 31, 1996:

(1) Sections 321-13 to 321-15 (laboratory directors, laboratory technologists, laboratory supervisors, laboratory technicians, and sanitarians)
(2) Chapter 321, Part , (Tattoo Artists)
(3) Chapter 321, Part , (Midwives)
(4) Chapter 466J (Board of Radiologic Technology)

(h) The following chapters are hereby repealed effective December 31, 1997

[(1) Chapter 463 (Board of Private Detectives and Guards)
(2) Chapter 471 (Board of Veterinary Examiners)]
(1) Chapter 448 (Board of Dental Examiners)
(2) Chapter 438 (Board of Barbers)
(3) Chapter 459 (Board of Examiners in Optometry)
(4) Chapter 471 (Board of Veterinary Examiners)
(5) Chapter 455 (Board of Examiners in Naturopathy)

(i) The following chapters are hereby repealed effective December 31, 1998

(1) Chapter 463 (Board of Private Detectives and Guards)
(2) Chapter 441 (Cemetery and Funeral Trusts)
(3) Chapter 373 (Commercial Employment Agencies)
(4) Chapter 443B (Collection Agencies)
(5) Chapter 468 (Solicitors, Business of Taking Orders)

(j) The following chapters are hereby repealed effective December 31, 1999

(1) Chapter 436E (Board of Acupuncture)
(2) Chapter 442 (Board of Chiropractic Examiners)
(3) Chapter 468E (Speech Pathology and Audiology)
(4) Chapter 465 (Board of Psychology)
(5) Chapter 444 (Contractors License Board)
(6) Chapter 448E (Board of Electricians and Plumbers)
(7) Chapter 464 (Professional Engineers, Architects, Surveyors and Landscape Architects)

(k) The following chapters are hereby repealed effective December 31, 2000

(1) Chapter 439 (Board of Cosmetology)
(2) Chapter (Electrologists)

(3) Chapter 466 (Board of Public Accountancy)
(4) Chapter 467 (Real Estate Commission)
(5) Chapter 454D (Real Estate Collection Servicing Agents)
(6) Chapter 466K (Real Estate Appraisers)
(7) Chapter 454 (Mortgage Brokers and Solicitors)"

SECTION 5. Section 2, Act 161, Session Laws of Hawaii 1988, is amended to read as follows:

"SECTION 2. The Board of Acupuncture shall develop academic standards for the use of academic designations in the practice of acupuncture. The standards shall include provisions that a Ph.D. for acupuncture shall not be awarded unless recognized by a regionally accredited review body. If a Ph.D. is awarded it will be to designate a non-practitioner of acupuncture as opposed to a doctor of acupuncture degree which would be for practitioners of acupuncture. These standards shall be adopted by the Board by July 1, 1991, after which such academic standards shall be reviewed by the Office of the Legislative Auditor who will report to the Legislature twenty days before the convening of the [1992] 1999 Regular Session."

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.[1]

SECTION 7. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 167 S.B. NO. 2174

A Bill for an Act Relating to Motor Vehicle Insurance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 431:10C-117, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) (1) Any person subject to this article in the capacity of the operator, owner, or registrant of a motor vehicle in this State, or registered in this State, who violates any applicable provision of this article, shall be subject to citation for the violation by any county police department in a form and manner approved by the violations bureau of the district court of the first circuit.

(2) Notwithstanding any provision of the Hawaii Penal Code, each violation shall be deemed a separate offense and shall be subject to a fine of not less than $100 nor more than $5,000 which shall not be suspended; provided that if the person is convicted of not having had a no-fault policy in effect at the time the citation was issued, the fine shall be $1,000 for the first offense and a minimum of $3,000 for each subsequent offense[.]; provided however, that upon request, the judge may grant community service in lieu of the fine, of not less than 75 hours and not more than 100 hours for the first offense, and not less than 200 hours nor more than 275 hours for the second

offense, the judge may grant community service in lieu of the fine for subsequent offenses at the judge's discretion. In addition to the fine in this paragraph, if any person operates a motor vehicle without a valid no-fault policy in effect insuring the driver or registered owner, or both, either the driver's license of the driver and of the registered owner shall be suspended for [six months] three months or they shall be required to maintain proof of financial responsibility pursuant to section 287-21(2), (3), or (4) and keep a nonrefundable no-fault insurance policy in force for six months; provided that if the violation is a subsequent offense of driving without a valid no-fault policy, the driver's licenses of the driver and the registered owner shall be suspended for one year, and provided further that any person cited under this section shall have an opportunity to present a good faith defense, including but not limited to lack of knowledge or proof of insurance. The general penalty provision of this section shall not apply to

(A) Any operator of a motor vehicle owned by another person if the operator's own insurance covers such driving, or

(B) Any operator of a motor vehicle owned by that person's employer during the normal scope of that person's employment[.], or

(C) Any operator of a borrowed motor vehicle if the operator holds a reasonable belief that the subject vehicle is insured.

(3) In the case of multiple violations, the court [shall], in addition to any other penalty, shall impose the following penalties:

(A) Imprisonment of not more than thirty days,

(B) Suspension or revocation of the motor vehicle registration plates of the vehicle involved,

(C) Impoundment, or impoundment and sale, of the motor vehicle for the costs of storage and other charges incident to seizure of the vehicle, or any other cost involved pursuant to section 431 10C-301, or

(D) Any combination of [such] those penalties."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

ACT 168 S B NO 2318

A Bill for an Act Relating to Anabolic Steroids.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1. Section 329-45, Hawaii Revised Statutes, is amended to read as follows:

"**[[]§329-45[]] Anabolic steroids; penalties.** (a) Except as authorized by law, or upon the prescription issued for a legitimate medical purpose by a practitioner

acting in the usual course of his professional practice, it is unlawful for any person to knowingly:

(1) Possess an anabolic steroid;
(2) Possess any anabolical steroid with intent to distribute;
(3) Distribute any anabolic steroid; or
(4) Manufacture, compound, convert, produce, derive, process, or prepare, either directly or indirectly by chemical extraction or independently by means of chemical synthesis, any anabolic steroid.

For the purpose of this section, "distribute" means to sell, transfer, prescribe, administer, give, or deliver to another, or to leave, barter, or exchange with another, or to offer or agree to do the same.

(b) Any person who violates [subsections] subsection (a)(2), (3) or (4) [of this section] is guilty of a class C felony.

(c) Any person who violates subsection (a)(1) [of this section] is guilty of a misdemeanor.

(d) The property of any person who violates this section shall be subject to forfeiture as provided in section 329-55.

[(d)] (e) This section shall not apply to anabolic steroids that are expressly intended for administration through implants to cattle or other nonhuman species, and that are approved by the United States Food and Drug Administration for such use."

SECTION 2. Section 329-55, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The following are subject to forfeiture according to the procedures set forth in the Penal Code:

(1) All controlled substances and anabolic steroids which have been manufactured, cultivated, grown, distributed, dispensed, or acquired in violation of this chapter;
(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, cultivating, growing, compounding, processing, delivering, importing, or exporting any controlled substance or anabolic steroid in violation of this chapter;
(3) All property which is used, or intended for use, as a container for property described in paragraph (1) or (2);
(4) All conveyances, including aircraft, vehicles, or vessels which are used or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraph (1) or (2) but:
    (A) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;
    (B) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent; and
    (C) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission;

(5) All books, records, and research products and materials, including formulas, microfilms, tapes, and data which are used, or intended for use, in violation of this chapter,

(6) All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or anabolic steroid in violation of this chapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner,

(7) All firearms which are visible, carried during, or used in furtherance of a violation of this chapter or chapter 712, part IV, and

(8) All drug paraphernalia as defined by section 329-1 [of this chapter]."

SECTION 3 Section 329-55, Hawaii Revised Statutes, is amended to read as follows

"**§329-55 Forfeitures.** (a) The following are subject to forfeiture according to the procedures set forth in the Penal Code.

(1) All controlled substances and anabolic steroids which have been manufactured, cultivated, grown, distributed, dispensed, or acquired in violation of this chapter,

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, cultivating, growing, compounding, processing, delivering, importing, or exporting any controlled substance or anabolic steroid in violation of this chapter,

(3) All property which is used, or intended for use, as a container for property described in paragraph (1) or (2),

(4) All conveyances, including aircraft, vehicles, or vessels which are used or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale, delivery or receipt of property described in paragraph (1) or (2), subject to the provisions of chapter 712A,

(5) All books, records, and research products and materials, including formulas, microfilms, tapes, and data which are used, or intended for use, in violation of this chapter,

(6) All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or anabolic steroid in violation of this chapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter, subject to the provisions of chapter 712A,

(7) All firearms which are visible, carried during, or used in furtherance of a violation of this chapter or chapter 712, part IV, and

(8) All drug paraphernalia as defined by section 329-1 [of this chapter]

(b) Property subject to forfeiture under this chapter may be seized in accordance with the provisions of chapter 712A

(c) Controlled substances listed in Schedule I that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the State Controlled substances listed

in Schedule I, which are seized or come into the possession of the State, the owners of which are unknown, are contraband and shall be summarily forfeited to the State.

(d) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the State.

(e) The failure, upon demand by the department, or its authorized agent, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce an appropriate registration, or proof that the person is the holder thereof, constitutes authority for the seizure and forfeiture of the plants."

SECTION 4. This Act does not apply to acts which occurred prior to its effective date.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 1990; provided that if Act 260, Session Laws of Hawaii 1988 is repealed effective July 1, 1990, SECTION 2 shall take effect but SECTION 3 shall not take effect; provided further that if Act 260, Session Laws of Hawaii 1988 is not repealed effective July 1, 1990, SECTION 3 shall take effect but SECTION 2 shall not take effect.

(Approved June 19, 1990.)

ACT 169 S.B. NO. 2432

A Bill for an Act Relating to Mental Health.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that mentally ill persons and persons suffering from substance abuse oftentimes are unable to manage their personal finances, including public entitlement moneys, in a manner which will promote their personal safety, health, and welfare. Not only are these persons often unable to exercise the judgment necessary to see that their resources are spent on basic necessities, but these persons may also be unable to exercise common sense precautions which can prevent their falling prey to the financial exploitations of opportunists.

Several states have developed successful programs which provide representative payees to persons who are unable to manage their personal finances, including the mentally ill. Experience from these programs indicates that mentally ill people are much more likely to agree to use psychiatric and medical services if they are already having their financial resources managed by someone who is connected to these services.

The purpose of this Act is to establish, within the department of health, a program which will provide representative payee services to mentally ill persons and persons suffering from substance abuse, who are unable to manage their personal financial resources.

SECTION 2 Chapter 334, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"**§334- Representative payee program.** (a) There is established a representative payee program within the department of health, to be administered by the director of health, to provide representative payee services to "mentally ill persons," as defined in section 334-1, and "persons suffering from substance abuse," as defined in section 334-1, who are unable to manage their personal financial resources

(b) In developing this program, the department of health shall consider the following.

(1) Services to the neighbor islands,
(2) Training for representative payees,
(3) Representative payees for care home residents,
(4) Representative payees for homeless persons,
(5) The use of case managers as representative payees,
(6) The development of due process procedures to protect the rights of mentally ill persons and persons suffering from substance abuse, and
(7) The development and implementation of an inter-agency working agreement with the department of human services to carry out the purposes of this program "

SECTION 3 New statutory material is underscored [1]

SECTION 4 This Act shall take effect upon its approval

(Approved June 19 1990)

Note

1 Edited pursuant to HRS §23G-16 5

ACT 170 S B NO 2433

A Bill for an Act Relating to Insurance

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 431 16-218, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows

"(a) No person, including an insurer, and an agent or affiliate of an insurer, shall make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in any newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station or television station, or in any other way, any advertisement, announcement or statement, written or oral, which uses the existence of the Hawaii Life and Disability Insurance Guaranty Association of this State for the purpose of sales, solicitation or inducement to purchase any form of insurance covered by the Hawaii Life and Disability Insurance Guaranty Association Act [Provided, however, that this] This section shall not apply to the Hawaii Life and Disability Insurance Guaranty Association or any other entity [who] which does not sell or solicit insurance

(b) Within one hundred eighty days of []July 1, 1988[], the association shall prepare a summary document describing the general purposes and current limitations of this part and complying with subsection (c). This document [should] shall be submitted to the commissioner for approval. Sixty days after receiving such approval, no insurer may deliver a policy or contract described in section 431:16-203 to a policyholder or contract holder unless the document is delivered to the policyholder or contract holder [prior to or] at the time of delivery of the policy or contract except if subsection (d) applies. The document should also be available upon request by a policyholder. The distribution, delivery or contents or interpretation of this document shall not mean that either the policy or the contract or the holder thereof would be covered in the event of the impairment or insolvency of a member insurer. The description document shall be revised by the association as amendments to this part may require. Failure to receive this document does not give the policyholder, contract holder, certificate holder, or insured any greater rights than those stated in this part."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

ACT 171 S.B. NO. 2549

A Bill for an Act Relating to Intoxicating Liquor.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 281-1, Hawaii Revised Statutes, is amended to read as follows:

"**§281-1 Definitions.** Whenever used in this chapter, unless otherwise apparent from the context:

"Addicted to the excessive use of intoxicating liquor" refers to one who has acquired the habit of using intoxicating liquor excessively to deprive oneself of reasonable self-control, a common drunkard, or a habitual drunkard.

"Alcohol" means the product of distillation of any fermented liquid, whether rectified or not, whatever may be the origin thereof, and includes synthetic ethyl alcohol, but not denatured or other alcohol which is considered nonpotable under the customs laws of the United States.

"Beer" means any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley or other grain, malt, and hops in water.

"Club" means any organization for objects of a social, patriotic, political, or athletic nature, or the like, but not for pecuniary gain, having a regular membership to all of whom is charged monthly or quarterly dues, employing a full-time steward, and from which organization no person is entitled to or takes, directly or indirectly, any share of the profits thereof. "Club" also means the establishment so operated and the premises thereof; provided the word "club" shall not apply to any organization not in existence for at least one year prior to its application for a license.

"Commission" means the liquor commission for the county within which such commission has jurisdiction under this chapter.

"County" means the county in respect of which each commission has jurisdiction under this chapter, provided that in the county of Kalawao liquor may be sold only by such persons and only under such conditions as may be permitted or prescribed from time to time by the department of health

"Elected executive head" means the mayor of each county or the mayor's duly appointed or elected successor

"Gross sales" means the total receipts actually received from the sale of liquor for which the license has been issued without deduction on account of the cost of property sold or expenses of any kind

"Hotel" means an establishment consisting of one or more buildings which contain (1) such total number of rooms as may be prescribed by the commission and in which rooms sleeping accommodations are provided and offered for adequate pay to transient or permanent guests, and (2) a suitable and adequate kitchen and dining room, where meals are regularly prepared and served to hotel guests and other customers

["Inspector"] "Investigator" means any [inspector] investigator of the commission in each case for the county wherein the commission has jurisdiction

"License" means any license granted under this chapter

"Licensee" includes also all agents, servants, and employees of the holder of a license

"Liquor" or "intoxicating liquor" includes alcohol, brandy whiskey, rum, gin, okolehao, sake, beer, ale, porter, and wine, and also includes, in addition to the foregoing, any spirituous, vinous, malt or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented, or not, in whatever form and of whatever constituency and by whatever name called, containing one-half of one per cent or more of alcohol by volume, which are fit for use or may be used or readily converted for use for beverage purposes

"Minibar" means a specified area of a hotel guest room where a selection of liquors in their original package are kept for sale or consumption in the hotel guest room

"Minor" means any person below the age of twenty-one years

"Original package" means a package or container as it existed at the time of its delivery by the manufacturer or the wholesale dealer for convenience in transportation and sale

"Person" means and includes natural persons, associations, copartnerships, and corporations, and also includes any agent, servant, and employee of such person

"Premises" or "licensed premises" means the premises in respect of which a license has been or is proposed to be issued

"Public place" means any publicly owned property or privately owned property open for public use or to which the public is invited for entertainment or business purposes

"Regulation" means any regulation prescribed by the commission with the approval of the elected executive head of the county for carrying out this chapter

"Restaurant" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to patrons for compensation and which has suitable kitchen facilities connected therewith, containing the necessary equipment and supplies for cooking an assortment of foods which may be required for ordinary meals. Additionally, at least thirty per cent of the establishment's gross revenue must derive from the sale of foods.

"Retail licensee" means any licensee holding a class 2 or class 4 through class 13 license.

"Sell" or "to sell" includes to solicit and receive an order for; to have or keep or offer or expose for sale; to deliver for value or in any other way than purely gratuitously; to peddle; to keep with intent to sell; to traffic in; and the word "sale" includes every act of selling as herein defined. Notwithstanding the provisions above, the delivery of liquor by a licensee's vehicle or the vehicle of a licensee's agent shall be deemed delivery for value.

"Seller" includes the agents and employees of a seller; provided that any person shall be deemed to be a seller, who in the State, whether acting as agent or representative of a nonresident principal or otherwise, solicits the placing of or takes, receives, or forwards orders for liquor to be shipped into the State from any place without the State to be delivered to customers, by direct shipment or otherwise.

"Standard bar" means any establishment licensed to sell liquor for consumption on the premises, except:

(1) Premises in which a person performs or entertains unclothed or in attire restricted to use by entertainers pursuant to commission regulations; or

(2) Premises in which live [or recorded music is played and with facilities for dancing by the patrons are provided; or] entertainment or recorded music is provided. Facilities for dancing by the patrons may be permitted as provided by commission rules; or

(3) Premises in which employees or entertainers consume nonalcoholic beverages while in the company of patrons or sit with patrons[.] pursuant to commission rules.

"Under the influence of liquor" means that the person concerned has consumed intoxicating liquor sufficient to impair at the particular time under inquiry the person's normal mental faculties or ability to care for oneself and guard against casualty, or sufficient to substantially impair at the time under inquiry that clearness of intellect and control of oneself which the person would otherwise normally possess.

"Wine" means any wine coming within the definition of wine contained in the United States Revenue Act of 1918 (Act of February 24, 1919), and includes sake.

"Written" or "writing" includes printing and typewriting."

SECTION 2. Section 281-3, Hawaii Revised Statutes, is amended to read as follows:

"§281-3 Illegal manufacture, importation, or sale of liquor. It shall be unlawful for any person not having a valid license to manufacture[, sell, offer, expose, or keep for sale] or sell any liquor except as otherwise provided in this chapter; provided that the head of any family may produce for family use and not for sale an amount of wine not exceeding two hundred gallons a year, and an amount of beer not exceeding one hundred gallons a year.

It shall also be unlawful for any person, not having a valid wholesale license or a valid manufacturer's (including rectifier's) license, to import any liquor from without the State, except as otherwise provided in this chapter. Liquor imported into this State shall come to rest at the warehouse of the manufacturer (including rectifier) or the wholesaler importing the liquor, shall be unloaded into such warehouse, and shall be held in such warehouse for at least forty-eight hours before further sale by such manufacturer (including rectifier) or wholesaler.

It shall also be unlawful for any person to label, designate, or sell any liquor using the word "Hawaii", "Hawaiian", "Aloha State", "50th State",

"Kauai", "Maui", "Oahu", or "Honolulu" unless such liquor is wholly or partially manufactured in the State[ ], and all of the primary ingredients are wholly rectified or combined in the State of Hawaii in compliance with the Bureau of Alcohol, Tobacco and Firearms standards.

A license shall constitute authority for the licensee to sell only the liquor thereby authorized to be sold by the licensee."

SECTION 3. Section 281-11.5, Hawaii Revised Statutes, is amended to read as follows:

"[[]§281-11.5[]] Liquor commission attorney. The liquor commission may hire [county] attorneys to assist it in carrying out its administrative functions under this chapter. The assistance may include providing legal advice and prosecuting and defending legal claims under this chapter or arising in connection with this chapter."

SECTION 4. Section 281-13, Hawaii Revised Statutes, is amended to read as follows:

"**§281-13 Meetings.** Meetings of the liquor commission may be held at any time and as often from time to time as the commission deems necessary for the proper transaction of its business, upon call of the chairman or by any other two members of the commission. The [secretary] administrator shall give [such] notice of such meetings as the commission may prescribe to the several members, and give any other notice thereof directed by the commission.

A majority of all the members of the commission shall constitute a quorum for the transaction of business, but the affirmative vote of a majority of all of the members shall be necessary to determine any matter before it."

SECTION 5. Section 281-14, Hawaii Revised Statutes, is amended to read as follows:

"**§281-14 Records.** The liquor commission shall ensure that complete records are kept of all commission meetings, proceedings, and acts with reference to all business pertaining to licenses issued, suspended, and revoked, moneys received as license fees and otherwise, and disbursements by the commission or under its authority[, and]. Unless otherwise prohibited by law, these records shall be open for examination by the public. The records may be destroyed as provided in section 46-43."

SECTION 6. Section 281-17, Hawaii Revised Statutes, is amended to read as follows:

"**§281-17 Jurisdiction and powers.** The liquor commission, within its own county, shall have the sole jurisdiction, power, authority, and discretion subject only to this chapter:

(1) To grant, refuse, suspend and revoke any licenses for the manufacture, importation and sale of liquors;

(2) To take appropriate action against a person who, directly or indirectly, manufactures or sells any liquor without being authorized pursuant to this chapter;

[(2)] (3) To control, supervise, and regulate the manufacture, importation, and sale of liquors by investigation, enforcement, and education, provided that any educational program shall be limited

to licensees and their employees and shall be financed through the money collected from the assessment of fines against licensees;

[(3)] (4) From time to time to make, amend, and repeal such rules, not inconsistent with this chapter, as in the judgment of the commission seem appropriate for carrying out this chapter and for the efficient administration thereof, and the proper conduct of the business of all licensees, including every matter or thing required to be done or which may be done with the approval or consent or by order or under the direction or supervision of or as prescribed by the commission; which rules, when adopted as provided in chapter 91 shall have the force and effect of law;

[(4)] (5) Subject to chapters 76 and 77, to appoint and remove [a secretary (who may also be appointed an inspector), and such inspectors] an administrator, who may also be appointed an investigator and who shall be responsible for the operations and activities of the staff. The administrator may hire and remove hearing officers, investigators, and clerical or other assistants as its business may from time to time require, to prescribe their duties, and fix their compensation; to engage the services of experts and persons engaged in the practice of a profession, if deemed expedient. Every [inspector,] investigator, within the scope of the [inspector's] investigator's duties, shall have the powers of a police officer. No employee of any commission, aside from exercising the right to vote, shall support, advocate, or aid in the election or defeat of any candidate for public office, and upon satisfactory proof of such prohibited activity the offender shall be summarily dismissed;

[(5)] (6) To limit the number of licenses of any class or kind within the county, or the number of licenses of any class or kind to do business in any given locality, when in the judgment of the commission such limitations are in the public interest;

[(6)] (7) To prescribe the nature of the proof to be furnished, the notices to be given, and the conditions to be met or observed in case of the issuance of a duplicate license in place of one alleged to have been lost or destroyed, including a requirement of any indemnity deemed appropriate to the case;

[(7)] (8) To fix the hours between which licensed premises of any class or classes may regularly be open for the transaction of business, which shall be uniform throughout the county as to each class respectively;

[(8)] (9) To prescribe all forms to be used for the purposes of this chapter not otherwise provided for in this chapter, and the character and manner of keeping of books, records, and accounts to be kept by licensees in any matter pertaining to their business;

[(9)] (10) To investigate violations of this chapter [and], chapter 244D[,] and, notwithstanding any law to the contrary, violations of the applicable department of health's allowable noise levels, through its [inspectors] investigators or otherwise, to include covert operations, and to report such violations to the prosecuting officer for prosecution and, where appropriate, the director of taxation to hear and determine complaints against any licensee; [to subpoena and examine witnesses under oath and require the production of, and examine any of the books, papers, and records of any licensee which may pertain to the licensee's business under the license or which shall or may pertain to any matter at any hearing or investigation by or before the commission. Each member of the commission may inves-

tigate any matter of which the commission may take cognizance, and take testimony in the same manner as any court and neither the commission nor any member shall be bound by the strict legal rules of evidence,]

[(10)] (11) To prescribe, by rule, the terms, conditions, and circumstances under which persons or any class of persons may be employed by holders of dispensers' and cabaret licenses,

[(11)] (12) To prescribe, by rule, the term of any license or solicitor's and representative's permit authorized by this chapter, the annual or prorated amount and the manner of payment of fees for such licenses and permits, and the amount of filing fees[ ];

[(12)]' (13) To prescribe, by rule, the circumstances and penalty for the unauthorized manufacturing or selling of any liquor.

[The] Subject only to this chapter, the commission and each member thereof shall have the same powers respecting the administering of oaths, compelling the attendance of witnesses and the production of documentary evidence, and examining the witnesses as are possessed by a circuit court[ ], except that the commission and each member thereof shall not be bound by the strict legal rules of evidence. In addition, the commission shall have the power to require the production of, and to examine any books, papers, and records of any licensee which may pertain to the licensee's business under the license or which may pertain to a matter at a hearing before the commission or to an investigation by the commission.

The exercise by the commission of the power, authority, and discretion [in it so] vested in it pursuant to this chapter shall be final [in each case] and shall not be reviewable by or appealable to any court or tribunal, except as otherwise provided in this chapter or chapter 91."

SECTION 7. Section 281-20, Hawaii Revised Statutes, is amended to read as follows:

"**§281-20 General right of inspection.** [Each member of the liquor commission and its inspectors] Any investigator may, at all times, without notice and without any search warrant or other legal process, visit and have immediate access to every part of the premises of every licensee for the purpose of making any examination or inspection thereof or inquiry into the books and records therein, to ascertain whether all of the conditions of the license and all provisions of this chapter and chapter 244D are being complied with by the licensee."

SECTION 8. Section 281-21, Hawaii Revised Statutes, is amended to read as follows:

"**§281-21 Service of subpoenas by [inspectors] investigators, police officers, or other law enforcement officers;' witnesses' fees.** Any [inspector] investigator, police officer, or other law enforcement officer may serve any subpoena issued by the liquor commission.

Every witness attending or testifying at any hearing of the commission in response to a subpoena issued by it shall be paid as provided for in section 621-7. If a witness is subpoenaed by direction of the commission, the witness' fees shall be paid out of any funds which may be set aside for the expenses of the commission and, if the witness is subpoenaed on behalf of any interested party, the witness' fees shall be paid by such party."

SECTION 9. Section 281-31, Hawaii Revised Statutes, is amended to read as follows:

"**§281-31 Licenses, classes.** (a) Licenses may be granted by the liquor commission as provided in this section.

(b) Class 1. Manufacturers' licenses. A license for the manufacture of liquor shall authorize the licensee to manufacture the liquor therein specified and to sell the same at wholesale in original packages to any person who holds a license to resell the same, and to sell draught beer or wine manufactured from grapes or other fruits grown in the State in any quantity to any person for private use and consumption. Under this license no liquor shall be consumed on the premises except as authorized by the commission. Of this class there shall be the following kinds:

(1) Beer;
(2) Wine;
[(3) Wine manufactured from grapes or other fruits grown in the State;
(4)] (3) Alcohol;
[(5)] (4) Other specified liquor.

It shall be unlawful for any holder of a manufacturer's license to have any interest whatsoever in the license or licensed premises of any other licensee.

(c) Class 2. Restaurant licenses. A license under this class shall authorize the licensee to sell liquors herein specified for consumption on the premises, except that a restaurant licensee may, with commission approval, provide off premises catering; provided that such catering activity is directly related to the licensee's operation as a restaurant. A licensee under this class shall be issued a license according to the category of establishment the licensee owns or operates. The categories of establishment shall be as follows:

(1) A standard bar; or
(2) A premises in which live entertainment or recorded music is provided. Facilities for dancing by the patrons may be permitted as provided by commission rules.

If a licensee under class 2 desires to change the category of establishment the licensee owns or operates, the licensee shall apply for a new license applicable to the category of the licensee's establishment.

For each category of class 2 licenses there shall be the following kinds:

(1) General (includes all liquors except alcohol);
(2) Beer and wine;
(3) Beer.

Any licensee holding a different class of license on the effective date of this amendment and who would otherwise come within this class of license shall not be required to apply for a new license.

[(c)] (d) Class 3. Wholesale dealers' licenses. A license for the sale of liquors at wholesale shall authorize the licensee to import and sell only to licensees or to others who are by law authorized to resell but are not by law required to hold a license, the liquors therein specified in quantities not less than five gallons at one time if sold from or in bulk containers or not less than one gallon if bottled goods; provided that samples of liquor may be sold back to the manufacturer. The license may authorize the licensee to sell draught beer in quantities not less than five gallons at one time to any person for private use and consumption if the licensee files an affidavit with the commission that there is not a class 4 retail dealers licensee available to sell the wholesalers brand of draught beer. Under the license no liquor shall be consumed on the premises except as authorized by the commission. Of this class there shall be the following kinds:

(1) General (includes all liquors except alcohol),
(2) Beer and wine,
(3) Alcohol

If any wholesale dealer solicits or takes any orders in any county other than that where the dealer's place of business is located, the orders may be filled only by shipment direct from the county in which the wholesale dealer has the dealer's license Nothing herein shall prevent a wholesaler from selling liquors to post exchanges, ships service stores, army or navy officers' clubs, or like organizations located on army or navy reservations, or to any vessel other than vessels performing a regular water transportation service between any two or more ports in the State, or to aviation companies who operate an aerial transportation enterprise as a common carrier, under chapter 269 engaged in regular flight passenger services between any two or more airports in the State for use on aircraft, or aviation companies engaged in transpacific flight operations for use on aircraft outside the jurisdiction of the State

[(d)] (e) Class 4 Retail dealers' licenses A license to sell liquors at retail or to class 10 licenses, shall authorize the licensee to sell the liquors therein specified in their original packages Under the license no liquor shall be consumed on the premises except as authorized by the commission Of this class there shall be the following kinds

(1) General (includes all liquors except alcohol),
(2) Beer and wine,
(3) Alcohol

[(e)] (f) Class 5 Dispensers' licenses A license under this class shall authorize the licensee to sell liquors herein specified for consumption on the premises A licensee under this class shall be issued a license according to the category of establishment the licensee owns or operates The categories of establishments shall be as follows

(1) A standard bar,
(2) A premise in which a person performs or entertains unclothed or in attire restricted to use by entertainers pursuant to commission rules,
(3) A premise in which live [or recorded music is played and in which facilities for dancing by the patrons are provided, or] entertainment or recorded music is provided Facilities for dancing by the patrons may be permitted as provided by commission rules, or
(4) A premise in which employees or entertainers are compensated to sit with patrons whether or not the employees or entertainers are consuming nonalcoholic beverages while in the company of such patrons[ ] pursuant to commission rules

If a licensee under class 5 desires to change the category of establishment the licensee owns or operates, the licensee shall apply for a new license applicable to the category of the licensee's establishment

For each category of class 5 licenses there shall be the following kinds

(1) General (includes all liquors except alcohol),
(2) Beer and wine,
(3) Beer

[(f)] (g) Class 6 Club licenses A club license shall be general only (but excluding alcohol) and shall authorize the licensee to sell liquors to members of the club and to guests [thereof] of the club enjoying the privileges of membership, for consumption only on the premises kept and operated by the club and shall also authorize any [bona fide] club member to keep in the member's private locker on the premises a reasonable quantity of liquor, if owned by the member, for the member's own personal use and not to be sold, and which may be consumed only on the premises

[(g)] (h) Class 7. Vessel licenses. A general license may be granted to the owner of any vessel performing a regular water transportation passenger service between any two or more ports in the State for the sale of liquor (other than alcohol) on board the vessel while in the waters of the State; provided such sales are made only while the vessel is en route, and only for consumption by passengers on board. If the vessel has a home port in the State the license shall be issuable in the county wherein the home port is situated, otherwise in the city and county of Honolulu. If on any vessel for which no license has been obtained under this chapter any liquor is sold or served within three miles of the shore of any island of the State the same shall constitute a violation of this chapter.

[(h)] (i) Class 8. [Additional] Transient vessel licenses. A general license may be granted to the owner of any vessel which does not fall within class 7 for the sale of liquor (other than alcohol) on board the vessel while in any port of the State. Such sales shall be made only for consumption by passengers and their guests on board such vessel. The license shall be issuable in each county where the sales are to be made and the application for the license may be made by any agent representing the owner.

[(i)] (j) Class 9. Tour or cruise vessel licenses. A general license may be granted to the owner of any tour or cruise vessel for the sale of liquor (other than alcohol) on board the vessel while in the waters of the State; provided such sales are made only for consumption by passengers on board while the vessel is in operation outside the port or dock of any island of the State. If the vessel has a home port in the State, the license shall be issuable in the county wherein the home port is situated, otherwise in the city and county of Honolulu. If on any vessel for which no license has been obtained under this chapter any liquor is sold or served within three miles of the shore of any island of the State, the same shall constitute a violation of this chapter.

[(j)] (k) Class 10. Special. A special license may be granted for the sale of liquor for a period not to exceed three days on any occasion and under such conditions as may be approved by the commission. Of this class there shall be the following kinds:

(1) General (includes all liquors except alcohol);
(2) Beer and wine;
(3) Beer.

Under such license the liquors therein specified shall be consumed on the premises.

[(k)] (l) Class 11. Cabaret license. A cabaret license shall be general only (but excluding alcohol) and shall authorize the sale of liquors for consumption on the premises. This license shall be issued only for premises where food is served, facilities for dancing by the patrons are provided, including a dance floor and [an orchestra of not less than three members, or professional entertainment] live or amplified recorded music or professional entertainment, except professional entertainment by a person who performs or entertains unclothed, is provided for the patrons[.]; provided that professional entertainment by persons who perform or entertain unclothed shall be authorized by:

(1) A cabaret license for a premise where professional entertainment by persons who perform or entertain unclothed was presented on a regular and consistent basis immediately prior to June 15, 1990;
(2) A cabaret license which, pursuant to rules adopted by the liquor commission, permits professional entertainment by persons who perform or entertain unclothed.

A cabaret license under (1) or (2) authorizing professional entertainment by persons who perform or entertain unclothed shall be transferable through June 30, 2000. A cabaret license under (1) or (2) authorizing professional entertain-

ment by persons who perform or entertain unclothed shall not be transferable after June 30, 2000, except when the transferee obtains approval from the liquor commission, and pursuant to rules adopted by the commission Notwithstanding any rule [or regulation] of the liquor commission to the contrary, cabarets in resort areas[1] may be opened for the transaction of business until 4 a.m. throughout the entire week

[(l)] (m) Class 12 Hotel licenses A license to sell liquor in a hotel shall authorize the licensee to provide entertainment and dancing on the hotel premises and to sell all liquors, except alcohol, for consumption on the premises[, provided that the liquor commissions in each county shall adopt rules, as deemed appropriate by each respective liquor commission, restricting holders of hotel licenses in selling liquors as authorized by retail dealers' licenses.], except that a hotel licensee may, with commission approval, provide off premises catering, provided that such catering activity is directly related to the licensee's operation as a hotel

Procedures such as room service, self-service (no-host), minibars or the like in guest rooms, and service at private parties in areas which are the property of and contiguous to the hotel are permitted with commission approval

[(m)] (n) Class 13 Caterer license A general license may be granted to [the owner of any catering service] any licensee who serves food as part of their operation for the sale of liquor (other than alcohol) while performing food catering functions[, provided that the sales are made only upon the premises of the patron contracting the catering services Under this license, it shall be lawful for any caterer to promote, encourage, aid or permit the consumption of liquor on the premises, except during the hours between which licensed premises of dispensers are permitted to be open for the transaction of business in the county where the premises are located]

No catering service for the sale of liquor [to commercial establishments] will be performed off the licensee's premises unless prior written notice of the service has been delivered to the office of the liquor commission of the county concerned The notice shall state the date, time, and location of the proposed event[

The intent of a caterer license is to provide service to patrons at a location other than that of the caterer's premises Use of the caterer license as a substitute for a licensed dispenser premises is prohibited] and shall include a written statement signed by the owner or representative of the property that such function will be subject to the liquor laws and to inspection by investigators

[(n)] (o) It shall be unlawful for any retail licensee [(Classes 4 through 13)], except a class 10 licensee, to purchase, acquire or sell liquor from any person other than a wholesaler licensed pursuant to this chapter, except as otherwise provided in this section

Sections 281-57 to 281-61 shall not apply to classes 7 [to] through 10 and 13 "

SECTION 10 Section 281-32 3, Hawaii Revised Statutes, is amended to read as follows

"[|§281-32.3|] One-day special licenses for fundraising events[.] by not for profit organizations. Notwithstanding any other section of this chapter to the contrary, the commission shall adopt rules to streamline procedures including the waiving of hearings, fees, notarization of documents, submission of floor plans, and other requirements, to provide for the issuance of special licenses for the sale of liquor for a period not to exceed one day, for classes of fundraising events by not for profit organizations established by the commission The

commission shall also adopt rules to facilitate the issuance of such licenses through the mail."

SECTION 11. Section 281-32.5, Hawaii Revised Statutes, is amended to read as follows:

"**[|§281-32.5|| Permits for trade shows|.|** or other exhibitions. Notwithstanding any other provision to the contrary, any trade exhibitor [or], trade organization or other exhibitor may apply to the liquor commission administrator and be issued[, for a nominal fee,] a permit, without hearings, fees, notarizing of documents, submission of floor plans, and other requirements, to receive liquor from within or outside the State for display and sampling on a not-for-sale basis at trade exhibitions, shows or other exhibitions, subject to [the following conditions:

(1) A bond equal to the declared value shall be posted with and payable to the liquor commission which bond would be forfeited should the exhibitor fail to comply with the terms of the permit;
(2) All applicable state and other taxes shall be paid;
(3) Within thirty days after the close of the exhibition the permittee will provide proof to the liquor commission that all liquor not disposed of by the end of the trade exhibition has been sold to a licensed wholesaler, destroyed under the supervision of the liquor commission or re-exported;
(4) The value of liquor covered by the permit shall not exceed f.o.b. (free on board) $2,000 per exhibitor;
(5) The dispensing of not-for-sale samples by consumption shall take place only at the trade exhibition site during the hours between which licensed premises of dispensers are permitted to be opened for the transaction of business in the county where the premises are located; and
(6) No liquor shall leave the trade exhibition site, except as provided in paragraph (3) above.] such terms and conditions as may be set by the commission."

SECTION 12. Section 281-35, Hawaii Revised Statutes, is amended to read as follows:

"**§281-35 Special conditions, club licenses.** No liquor shall be sold under a club license to any person not a [bona fide] member of the club nor a [bona fide] guest thereof enjoying the privilege of membership, but a member or a guest enjoying the privileges of membership may purchase liquor for consumption on the premises by [his] the person's own [bona fide] guests. No guest of a member or of a guest enjoying the privileges of membership shall purchase or be permitted to purchase liquor on the premises.

The liquor commission may by regulations require the keeping and posting of lists of the members of a club, and the keeping and production of records as to membership and the registration of guests[.] enjoying the privileges of membership.

No liquor shall be sold or kept for sale at any club except by the club itself pursuant to its license. If any liquor is sold or kept on the club premises for sale or barter by any member, employee, or person other than the club itself, the club shall be deemed to be selling without a license whether it holds its own license or not."

SECTION 13 Section 281-42, Hawaii Revised Statutes, is amended to read as follows

"**§281-42 Manufacturers and wholesale dealers, special restrictions.** (a) It shall be unlawful for any person holding a manufacturer's license or a wholesale dealer's license[ ] to induce the purchases of a retail licensee by

[(1) To own, hold, or be or become interested in or connected with the liquor business of any other licensee who is a retail dealer or who is authorized to sell liquors for consumption on the other licensee's premises,

(2) To control, employ, manage, or financially assist in any manner any other licensee who is a retail dealer or who is authorized to sell liquors for consumption on the other licensee's premises,

(3) To hold any interest in any premises on which liquors are sold under a retail dealer's license or for consumption on such premises unless the holding of such interest is permitted under regulations of the liquor commission or a statement thereof has been filed with the commission and has not been disapproved by it,

(4)] (1) Acquiring or holding any interest in any license of a retail licensee,

(2) Acquiring any interest in the real or personal property owned, occupied, or used by a retail licensee in the conduct of its business, unless the holding of such interest is permitted under the regulations of the liquor commission or statement thereof has been filed with the commission and has not been disapproved by it,

(3) Furnishing, giving, renting, lending, or selling to a retail licensee any equipment, fixtures, signs, supplies, money, services or other thing of value, subject to the exceptions contained in Subpart D of the "tied house" regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department, 27 C.F.R Part 6 (1988) as the same may change from time to time,

(4) Paying or crediting a retail licensee for any advertising, display or distribution service, whether or not the advertising, display or distribution service received is commensurate with the amount paid by the retail licensee, provided that this paragraph shall not prohibit representatives of manufacturers and wholesalers from creating and maintaining displays and point of purchase sales materials, or from stocking shelves and cold boxes,

(5) Guaranteeing any loan or the repayment of any financial obligation of a retail licensee,

(6) Extending credit to the retail licensee for a period of time in excess of thirty days from the date of invoice,

(7) Requiring a retail licensee to take and dispose of any quota of liquor, or

(8) Requiring a retail licensee to purchase one product in order to purchase another product. This includes combination sales if one or more products may be purchased only in combination with other products and not individually, provided that a manufacturer or wholesale dealer is not prohibited from selling at a special combination price, two or more kinds or brands of products to a retail licensee, if (i) the retail licensee has an option of purchasing either product at the usual price, and (ii) the retail licensee is not required to purchase any product it does not want.

(b) It shall be unlawful for any person holding a manufacturer's or wholesale dealer's license:

(1) To sell any liquor at wholesale prices without invoicing the vendee's license number, except where the vendee, although authorized to resell, is not required by law to hold a license, in which case the invoice shall fully indicate the vendee's identity[.

This section shall not be held to prohibit the granting of the credits ordinarily extended with respect to the sale of liquors by a person holding a manufacturer's or a wholesale dealer's license.]; or

(2) To sell any liquor, except for cash or by receiving payment in advance of delivery, to any retail licensee who has not paid in full for all previous purchases of liquor from such manufacturer or wholesaler by the expiration of the thirtieth day from the date of the invoice for such liquor.

(c) In construing subsection (a), the courts and the liquor commission shall follow the rules, regulations, and decisions of the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department and the federal courts in interpreting section 5(b) of the Federal Alcohol Administration Act, as the same may be changed from time to time."

SECTION 14. Section 281-45, Hawaii Revised Statutes, is amended to read as follows:

"**§281-45 [Reasons for refusal.] No license issued, when.** [(a) The commission may refuse to grant a license under this chapter:] No license shall be issued under this chapter:

(1) To any minor or to any person who has been convicted of a felony and not pardoned[,] (except that the commission may grant a license under this chapter to a corporation that has been convicted of a felony where the commission finds that the organization's officers and shareholders of twenty-five per cent or more of outstanding stock are fit and proper persons to have a license), or to any other person not deemed by the commission to be a fit and proper person to have a license;

(2) To a corporation the officers and directors of which, or any of them, would be disqualified under paragraph (1) of this section from obtaining the license individually, or a stockholder of which, owning or controlling twenty-five per cent or more of the outstanding capital stock would be disqualified under such paragraph (1) from obtaining the license individually.

[(b) No license shall be issued under this chapter:

(1)] (3) Unless the applicant for a license, or a renewal of a license, or in the case of a transfer of a license, [both the transferor and] the transferee presents to the issuing agency, a signed certificate from the director of taxation and from the Internal Revenue Service showing that the [applicant and the transferor or] transferee does not owe the state or federal governments any delinquent taxes, penalties, or interest;

[(2)] (4) To any applicant who has had any liquor license revoked less than two years previous to the date of the application for any like or other license under this chapter."

SECTION 15. Section 281-53, Hawaii Revised Statutes, is amended to read as follows:

"**§281-53 Application; penalty for false statements.** Every application for a license or for the renewal of a license or for the transfer of a license shall be in writing, signed and, except for the renewal of a license, verified by the oath of the applicant, or in the case of a corporation or unincorporated association by the proper officer or officers thereof, or if a partnership by a [majority of the general partners] general partner thereof, made before any official authorized by law to administer oaths, and shall be addressed to the liquor commission, and set forth:

(1) The full name, age, and place of residence of the applicant; and if a copartnership the names, ages, and respective places of residence of all the partners; if a corporation or joint-stock company, its full name and the names of its officers and directors, and the names of all stockholders owning twenty-five per cent or more of the outstanding capital stock; and if any other association of individuals, the names, ages, and respective places of residence of its officers and the number of its members;

(2) A particular description of the place or premises where the proposed license is to be exercised, so that the exact location and extent thereof may be clearly and definitely determined therefrom;

(3) The class and kind of license applied for;

(4) Any other matter or information pertinent to the subject matter which may be required by the rules and regulations of the commission.

If any false statement is knowingly made in any application which is verified by oath, the applicant, and in the case of the application being made by a corporation, association, or club, the persons signing the application, shall be guilty of perjury, and shall be subject to the penalties prescribed by law for such offense. If any false statement is knowingly made in any application which is not verified by oath, the person or persons signing the application shall be guilty of a misdemeanor and upon conviction thereof shall be punished as in section 281-102 provided."

SECTION 16. Section 281-55, Hawaii Revised Statutes, is amended to read as follows:

"**§281-55 Reference to [inspector] investigator.** Upon the filing of any application the [secretary] administrator of the liquor commission shall indorse thereon the date of filing thereof. If no patent disqualification of the applicant or certain valid objection to the granting of the application is apparent initially and if all requirements relative to the filing of the application appear to have been complied with, the application shall be referred to the [inspector] investigator for investigation."

SECTION 17. Section 281-56, Hawaii Revised Statutes, is amended to read as follows:

"**§281-56 Report by [inspector] investigator.** On every application referred to the inspector under section 281-55 the [inspector] investigator shall report in writing to the liquor commission and, if the application is for a license of any class other than class 7, class 8, or class 9, such report shall show:

(1) A description of the premises intended to become the licensed premises, and the equipment and surrounding conditions including the relationship to surrounding residences which may share a common boundary or a common structure with the premises proposed for licensing;

(2) If the application is made by a person who has held a prior license for the same or any other premises within two years past, a statement as to the manner in which the premises have been operated and the business conducted under the previous license,
(3) The locality of any church, chapel, or school, if any, within a distance of five hundred feet from the nearest point of the premises for which the license is asked to the nearest point of the church, chapel or school grounds,
(4) The number, position, and distance from the premises, in respect of which a license is applied for, of any other licensed premises of the same class in the neighborhood,
(5) The number of licenses of the same class or kind already issued and being lawfully exercised within the county;
(6) Whether or not in the opinion of the [inspector] investigator the applicant is a fit and proper person to have a license,
(7) Whether or not the applicant is for any reason disqualified by this chapter from obtaining or exercising a license, and whether or not the applicant has complied with all the requirements of this chapter relative to the making and filing of the applicant's application,
(8) Any and all other matters and things which in the judgment of the [inspector] investigator pertain to or affect the matter of the application or the issuance or the exercise of the license applied for

A copy of the report shall be furnished to the applicant not less than forty-eight hours before any hearing is had upon the application."

SECTION 18. Section 281-57, Hawaii Revised Statutes, is amended to read as follows:

"**§281-57 Notice.** Upon the filing of the [inspector's] investigator's report upon any application the liquor commission may hold a preliminary hearing and upon such preliminary hearing it may deny the application. If no preliminary hearing is had or if the application is not denied upon a preliminary hearing, the commission shall fix a day for the public hearing of the application (other than an application for an alcohol license or a license in classes 7 to 10 and 13) and shall publish notice of the hearing at least once in each of two consecutive weeks (two insertions) in some newspaper published in the English language in the county (or if there be none such then in the city and county of Honolulu) having a general circulation in the county, the date of the hearing to be not less than forty-five days after the first publication. The notice shall require that all protests or objections against the issuance of the license applied for shall be filed with the [secretary] administrator of the commission at or before the time of hearing. Before making such publication the commission shall collect from the applicant the cost of making the publication or require a deposit to cover the same.

Immediately upon the commission's fixing a day for the public hearing of the application, the applicant shall mail a notice setting forth the time and place of the hearing on the application, to not less than two-thirds of the owners and lessees of record of real estate and owners of record of shares in a cooperative apartment or to those individuals on the list of owners as provided by the managing agent or governing body of the shareholders association situated within a distance of five hundred feet from the nearest point of the premises for which the license is asked to the nearest point of such real estate or cooperative apartment, not less than forty-five days prior to the date set for the hearing of the application, provided that before the hearing the applicant shall file with the commission an affidavit as to such mailing of notice, and provided further that in

meeting this requirement, the applicant shall mail a notice to not less than three-fourths of the owners and lessees of record of real estate and owners of record of shares in a cooperative apartment situated within a distance of one hundred feet from the nearest point of the premises as provided in this section Notice by mail may be addressed to the last known address of the person concerned or to the address as shown in the last tax return filed by the person or the person's agent or representative In addition, for each condominium project and cooperative apartment within the affected area, one notice of the hearing shall be sent by mail addressed "To the Residents, Care of the Manager", followed by the name and address of the condominium or cooperative apartment involved For purposes of this section, notice to one co-owner and one co-lessee shall be sufficient notice to all co-owners and all co-lessees, excepting that one notice shall be sent to each individual unit of a cooperative apartment as provided in this section "

SECTION 19 Section 281-59, Hawaii Revised Statutes, is amended to read as follows

"**§281-59 Hearing.** Upon the day of hearing, or any adjournment thereof, the liquor commission shall consider the application and any protests and objections to the granting thereof, and hear the parties in interest, and shall within fifteen days thereafter give its decision granting or refusing the application, provided that if a majority of the registered voters for the area within five hundred feet of the nearest point of the premises for which the license is asked or a majority of the owners and lessees of record of real estate and owners of record of shares in a cooperative apartment within five hundred feet of the nearest point of the premises for which the license is asked have duly filed or caused to be filed their protests against the granting of the license upon the original application, or if there appears any other disqualification under this chapter, the application shall be refused Otherwise the commission may in its discretion grant or refuse the same The commission may also, with like discretion, grant a license to one person in preference to another, without reference to any priority in the order of filing of the applications, and may of its own motion, or on the suggestion of any member, or of the [inspector] investigator take notice of any matter or thing which in the opinion of a majority of its members would be a sufficient objection to the granting of a license, but in such case if the objection is one to which the applicant should be given a reasonable time to answer, a continuance may be granted in the discretion of the commission, provided that in any case where any person affected by such decision petitions the commission for a rehearing of the application and on oath alleges facts and grounds for consideration which were not formerly presented or considered or any other matter of fact which in the judgment of the commission seems sufficient to warrant a rehearing, such rehearing may be granted by the commission in its discretion When a rehearing is allowed notice shall be given to the applicant and to the applicant's opponents, by publication or otherwise as the commission shall direct '

SECTION 20 Section 281-60, Hawaii Revised Statutes, is amended to read as follows

"**§281-60 Further application.** [If] Except as provided for in section 281-13, if any applicant has at any time been refused a license, no further application shall be considered for one year from such refusal "

SECTION 21 Section 281-61, Hawaii Revised Statutes, is amended to read as follows

"**§281-61 Renewals.** Other than for good cause the renewal of an existing license shall be granted upon the filing of an application; provided that if complaints from the public [and], reports from the commission's [inspectors] investigators, and the adjudications of the commission indicate that noise created by patrons departing from the premises disturbs residents on the street or of the neighborhood in which the premises are located, or that noise from the premises or adjacent related outdoor areas such as parking lots or lanais exceed standards contained in state or county noise or vibration codes and intrudes into nearby residential units, the commission may withhold the issuance of a renewed license until corrective measures meeting the commission's approval are taken."

SECTION 22. Section 281-75, Hawaii Revised Statutes, is amended to read as follows:

"**§281-75 Analyses.** Whenever the liquor commission or [any member or inspector] investigator thereof has reason to believe or suspect, on complaint or otherwise, that any liquor being manufactured or which is possessed or kept for sale by any licensee is or may be impure or adulterated or otherwise not conformable to any lawful requirement, the commission or [any member or inspector] investigator thereof or other person authorized in writing by the commission or by the [inspector] investigator may secure a sample thereof for analysis. Upon such sample being obtained, as though by ostensible purchase or otherwise, the person procuring the same shall immediately disclose to the licensee the person's office or authority and purpose, and in case the procurer is a person other than [a member of] the commission or the [inspector] investigator the procurer shall then deliver to the licensee a copy of the written order for the procurement of the sample. The bottle or other container containing the sample shall then and there be sealed by the procurer thereof before being taken from the premises of the licensee and the licensee may also attach the licensee's seal thereto.

The [inspector] investigator shall cause the sample so obtained to be immediately delivered with the seal or seals unbroken to the state department of health or some competent analyst employed by the commission who shall make an analysis of the liquor and shall send a certified report thereof to the [inspector] investigator,[1] who shall immediately file the same with the [secretary of the commission.] commission's administrator.

If the sample analyzed is found pure and unadulterated and conformable with all legal requirements for such liquor, the certificate referred to in the preceding paragraph shall so state, and the commission shall pay to the licensee a sum equal to the value of the sample, and if requested by the licensee the [secretary] administrator shall furnish the licensee a copy of the analysis.

If the certificate of analysis shows the sample to be impure or adulterated or contrary to any legal requirement the licensee shall be prosecuted for selling, or offering for sale, or furnishing forbidden liquor in violation of this chapter."

SECTION 23. Section 281-76, Hawaii Revised Statutes, is amended to read as follows:

"**§281-76 Tampering with samples; penalty.** Any person who tampers with any sample of liquor taken for analysis under this chapter shall be fined not more than [$500] $2,000 or imprisoned not more than one year, or both."

SECTION 24. Section 281-77, Hawaii Revised Statutes, is amended to read as follows:

"**§281-77 Refusal of samples; penalty.** Any licensee who refuses to deliver or accede to the taking of any sample of liquor for analysis upon disclosure of the procurer's authority as provided by section 281-75 shall be fined not more than [$500] $2,000

SECTION 25 Section 281-78 Hawaii Revised Statutes, is amended to read as follows

"**§281-78 Prohibitions.** [(a) At no time under any circumstances, except as permitted in section 291-3.4 shall any liquor

(1) Be consumed on any public highway or any public sidewalk,] (a) No person shall, except as permitted in section 291-3.4, consume any liquor on any public highway or any public sidewalk.

(b) At no time under any circumstances shall any licensee or its employee

[(2) Be sold or furnished by any licensee to]

(1) Sell or furnish any liquor to

(A) Any minor,

(B) Any person at the time under the influence of liquor,

(C) Any person known to the licensee to be addicted to the excessive use of intoxicating liquor, or

(D) Any person for consumption in any vehicle which is licensed to travel on public highways,

Provided that the sale of liquor to a minor shall not be deemed to be a violation of this subsection if, in making the sale the licensee was misled by the appearance of the minor and the attending circumstances into honestly believing that such minor was of legal age and the licensee acted in good faith, and it shall be incumbent upon the licensee to prove that the licensee so acted in good faith,

[(3) Be] (2) Permit any liquor to be consumed on the premises of [a] the licensee or on any premises connected therewith, whether there purchased or not, except as permitted by the terms of [the] its license,

[(4) Be] (3) Permit any liquor to be sold or served by any person eighteen to twenty years of age except in licensed establishments where selling or serving the intoxicating liquor is part of the minor's employment, and where there is proper supervision of such minor employees to ensure that the minors shall not consume the intoxicating liquor,

[(5) Be] (4) Permit any liquor to be sold or served by any person below the age of eighteen upon any licensed premises, except in such individually specified licensed establishments found to be otherwise suitable by the liquor commission in which an approved program of job training and employment for dining room waiters and waitresses is being conducted in cooperation with the University of Hawaii, the state community college system, or a federally sponsored manpower development and training program, under arrangements which ensure proper control and supervision of employees[ ].

[(b) At no time under any circumstances shall any licensee

(1)] (5) Knowingly permit any person under the influence of liquor or disorderly person to be or remain in or on the licensed premises,

[(2)] (6) Fail immediately to prevent or suppress any violent, quarrelsome disorderly lewd immoral, or unlawful conduct of any person on the premises,

[(3)] (7) Sell any draught beer unless upon the faucet, spigot, or outlet wherefrom the beer is drawn there is attached a clear and legible

notice, placard, or marker which shall in the English language indicate and declare the name or brand adopted by the manufacturer of the draught beer, so situated as to be clearly legible for a distance of at least ten feet from the spigot, faucet, or outlet, to a purchaser with normal vision;

[(4)] (8) Receive from a person, as payment or as a consideration for liquor, any personal or household goods, including clothing and food, or any implements of trade. Any person violating this paragraph shall be guilty of a misdemeanor and upon conviction shall be punished as provided for in section 281-102.

SECTION 26. Section 281-79, Hawaii Revised Statutes, is amended to read as follows:

"**§281-79 Entry for examination; obstructing liquor commission operations; penalty.** Every [inspector] investigator shall, and [any member of the liquor commission or] any officer having police power may, at all reasonable times, and at any time whatsoever if there is any reasonable ground for suspicion that the conditions of any license are being violated, without warrant enter into and upon any licensed premises and inspect the same and every part thereof, and any books or records therein, to ascertain whether or not all conditions of the license and all provisions of this chapter and chapter 244D are being complied with by the licensee.

If any [such] investigator or officer, or any person called by the investigator or officer to the investigator's or[1] officer's aid, is threatened with the use of violence, force, or physical interference or obstacle, or is hindered, obstructed, or prevented by any licensee [or], the licensee's employees, or any other person from entering into any such premises, or whenever any [such] investigator or officer is by any licensee [or], the licensee's employees, or any other person opposed, obstructed, or molested in the performance of the officer's duty in any respect, the licensee [and every], the licensee's employee, or any other person [who has assisted the licensee in the offense,] shall be fined not more than [$1,000] $2,000 or imprisoned not more than one year, or both.

Whenever any [such] investigator or officer, having demanded admittance into any licensed premises and declared the investigator's or officer's name and office, is not admitted by the licensee or the person in charge of the premises, it shall be lawful for the investigator or officer to forcibly and in any manner to break into and enter the premises."

SECTION 27. Section 281-80, Hawaii Revised Statutes, is amended to read as follows:

"**§281-80 Arrest.** Any [inspector] investigator or police officer who observes any violation by any person of this chapter or of any rule or regulation of the liquor commission, [shall] may forthwith arrest the person without a warrant. Whenever any violation of this chapter or of the regulations of the commission occurs in the presence of any licensee, or any [inspector] investigator or police officer, upon request of the licensee the police officer or [inspector] investigator may assist the licensee in arresting any patron for violation thereof."

SECTION 28. Section 281-85, Hawaii Revised Statutes, is amended to read as follows:

"**§281-85 Prize, gift, premium, and other inducement.** (a) [It] Unless otherwise provided by this chapter, it shall be unlawful for any person to offer or [give] to provide any intoxicating liquor as a prize or inducement at any [store, shooting gallery, theater, carnival, circus, bazaar, game, or entertainment, or at any] public amusement, [or other public place or any] public gathering[ ] or place open to the public

(b) It shall be unlawful for any person acting as agent or representative of a nonresident principal or for any licensee directly or indirectly, or through any subsidiary or affiliate, to give any premium or free goods of intoxicating liquor or other merchandise in connection with the sale of any intoxicating liquor; or to give any premium or free goods of intoxicating liquor in connection with the sale of other merchandise.

(c) No retail dealer and no licensee who is authorized to sell liquor for consumption on the licensee's premises shall solicit or accept, either directly or indirectly, a premium or free goods of any nature in connection with the retail dealer's or licensee's purchase of liquor from a manufacturer or wholesale dealer."

SECTION 29 Section 281-91, Hawaii Revised Statutes, is amended to read as follows

"**§281-91 Revocation or suspension of license; hearing.** The liquor commission may revoke any license at any time issued, or suspend the right of the licensee to use the licensee's license, or assess and collect a penalty, or reprimand the licensee, either for the violation of any condition of the license or of any provisions of this chapter or of any rule or regulation applicable thereto, or upon the conviction [at law] in a court of law of the licensee of any violation of this chapter or of any other law relative to the licensee's license or the proper exercise thereof, or of any violation of law in any other respect on account whereof the commission may deem the licensee to be an unfit or improper person to hold a license, or for any other cause deemed sufficient by the commission.

In every case where it is proposed to revoke or suspend the exercise of any license or assess and collect a penalty for any cause other than a conviction at law of the licensee as above specified, the licensee shall be entitled to notice and hearing in conformity with chapter 91, the notice to be given at least five days before the hearing, except that any special license shall be subject to summary revocation for any violation of or evidence of intent to violate the proper exercise thereof, without hearing before the commission[, provided that the exercise of a license shall in no case be suspended or revoked for any violation (other than a conviction at law of the licensee as above specified) based upon the personal observation of any inspector, unless written notice of the violation charged to have occurred shall have been given to the licensee within ten working days after the alleged violation occurred, and the licensee shall have been given a hearing upon the charge not more than ninety nor less than five days after the giving of notice of the alleged violation]

At the hearing, before final action is taken by the commission, the licensee shall be entitled to be heard in person or through counsel and shall be given a full and fair opportunity to present any facts showing that the alleged cause or causes for the proposed action do not exist, or any reasons why no penalty should be imposed The testimony taken at the hearing shall be under oath and recorded stenographically, or by machine, but the parties shall not be bound by the strict rules of evidence, certified copies of any transcript and of any other record made of or at the hearing shall be furnished to the licensee upon the licensee's request and at the licensee's expense

Any order of revocation [or], suspension [or], fine, or reprimand imposed by the commission upon the licensee shall be in addition to any penalty that might be imposed upon the licensee upon the licensee's conviction at law for any violation of this chapter. No licensee shall be subject to both the penalty assessed and collected by the commission and to revocation or suspension of license. The amount of penalty assessed and collected by the commission from any licensee for any particular offense shall not exceed the sum of $2,000.

Whenever the service of any order or notice shall be required by this section such service shall be made in the following manner: in the case of any violation based upon the personal observation of any [inspector] investigator,[1] a written notice of the violation[, signed by the inspector observing the violation charged to have occurred] shall be given to the licensee or the licensee's registered manager in active charge of the premises [within ten working days after the alleged violation occurred], or by serving a certified copy of the notice or order upon the holder of the license wherever the holder may be found in the circuit wherein the holder is licensed, or, if the holder cannot be found after diligent search, by leaving a certified copy thereof at the holder's dwelling house or usual place of abode with some person of suitable age and discretion residing therein; and if the holder of the license cannot be found after diligent search, and service cannot be made, then service may be made by posting a certified copy of the notice or order in a conspicuous place on the licensed premises and depositing another certified copy thereof in the [registered] certified mail of the United States post office, postage prepaid, addressed to the holder of the license at the holder's last known residence address; provided that in the case of a partnership or licensed corporation or unincorporated association service may be made upon any partner or officer thereof."

SECTION 30. Section 281-96, Hawaii Revised Statutes, is amended to read as follows:

"**§281-96 Cancellation.** If the use of the premises covered by any license becomes lost to the licensee by reason of being sold under foreclosure proceedings, or a civil execution, or other legal process, or for any other cause, which shall force a cessation of the business of the licensee thereon under the license (other than by a revocation or suspension of the licensee's license), [and no proper permission is obtained by the licensee to continue the licensee's business under the license at some other place,] the liquor commission may cancel or suspend the license."

SECTION 31. Section 281-101, Hawaii Revised Statutes, is amended to read as follows:

"**§281-101 Manufacture or sale without license; penalty.** If any person, acting in person or by or through any agent, servant, or employee, manufactures[, sells, or offers or exposes or keeps for sale] or sells any liquor, either directly or indirectly, or upon any pretense or by any subterfuge, except as authorized pursuant to this chapter, the person shall be fined not more than [$1,000] $2,000 or imprisoned not more than one year, or both."

SECTION 32. Section 281-102, Hawaii Revised Statutes, is amended to read as follows:

"**§281-102 Other offenses; penalty.** If any person violates this chapter or any rule or regulation in effect by authority of this chapter, whether in con-

nection therewith a penalty is referred to or not, for which violation no penalty is specifically prescribed, the person shall be imprisoned not more than six months or fined not more than [$500.] $1,000, or both."

SECTION 33. Section 281-104, Hawaii Revised Statutes, is amended to read as follows:

"**§281-104 [Inspectors] Investigators,[1] employees, counsel for.** Whenever any [inspector] investigator or other employee of the liquor commission shall be prosecuted for any crime or sued in any civil cause for acts done in the performance of the [inspector's] investigator's or employee's duty as such [inspector] investigator or employee, the [inspector] investigator or employee shall be represented and defended (1) in any such criminal proceeding by an attorney to be employed and paid by the commission and (2) in any such civil cause by the corporation counsel or county attorney, of the county in which the [inspector] investigator or employee is serving or if permitted under the appropriate county charter, by an outside attorney to be employed and paid for by the commission."

SECTION 34. Section 281-105, Hawaii Revised Statutes, is amended to read as follows:

"**§281-105 Determination whether acts were in scope of duty.** The determination of whether the acts of an [inspector] investigator or other employee of the liquor commission, when the [inspector] investigator or other employee is being prosecuted or sued, were done in the performance of the [inspector's] investigator's or other employee's duty, so as to entitle the [inspector] investigator or other employee to be represented by the county attorney or corporation counsel of the county or city and county of the commission in question, or by an attorney employed and paid by the commission shall be made by the commission of the county after consultation with the county attorney or corporation counsel who may make a recommendation to the commission in respect thereof if the county attorney or corporation counsel so desires, and such determination shall be conclusive for such purpose only."

SECTION 35. Section 281-108, Hawaii Revised Statutes, is amended to read as follows:

"**§281-108 Search warrants; seizure.** If any person makes complaint, supported by oath, before any district or circuit judge, setting forth facts sufficient to show probable cause that any liquor is being manufactured or kept or deposited for sale or distribution contrary to law within the judge's jurisdiction in any house, premises, or place, or that any such liquor is lodged or contained in any vehicle for transportation by land, water, or air, the judge shall issue a warrant, directed to any sheriff, chief of police, [or] police officer, or investigator, commanding the sheriff, chief of police, [or] police officer, or investigator to search the premises, place, or vehicle described in the complaint. If any intoxicating liquor is found therein under circumstances warranting the belief of the officer that it is being manufactured or is intended for sale or distribution contrary to law, the officer acting under the warrant shall seize and convey the liquor and any land vehicle in which the same is found to some place of security and keep the same until final action is had thereon. When, in case of any entry, it is found that liquor is there being manufactured contrary to this

chapter the officer may likewise seize and convey the same to some place of security and keep it until final action is had thereon."

SECTION 36. Section 281-109, Hawaii Revised Statutes, is amended to read as follows:

"**§281-109 Seizure without warrant.** (a) If any [inspector] investigator or police officer has information which causes the [inspector] investigator or police officer to believe that liquor is kept or deposited in any place mentioned in section 281-108, except a dwelling house, or is kept or concealed in any conveyance, container, baggage, or clothing which is in course of transportation along any highway, for sale or distribution contrary to law, and if the [inspector] investigator or police officer has reason to believe that the delay which would be necessitated by the procurement of a search warrant would result in the loss, destruction, or concealment of the evidence of the violation of law, the [inspector] investigator or police officer may forthwith, without such warrant, search the suspected place, vehicle, or container; and if the [inspector] investigator or police officer there finds liquor and other evidence under circumstances warranting the belief that it is intended for sale or distribution contrary to law, the [inspector] investigator or police officer shall seize and convey the same, including any vehicle in which the same is found, to some place of security, and keep the same until final action is had thereon. The investigator or police officer shall forthwith, after the seizure, make written complaint under oath, setting forth the facts before a judge having competent jurisdiction.

(b) Any evidence seized and conveyed may be kept until final action is had thereof. Should the introduction of a copy or picture of the seized evidence be permitted under the Hawaii Rules of Evidence, the original evidence may be returned to the appropriate party after such evidence is copied or photographed."

SECTION 37. Section 281-110, Hawaii Revised Statutes, is amended to read as follows:

"**§281-110 Arrest; abetters.** The owner, keeper, and any person having the custody of any liquor or property seized as provided in sections 281-108 and 281-109 shall be forthwith arrested without necessity of warrant and brought before the judge having jurisdiction in the premises. If the owner or keeper of the liquor seized is unknown to the investigator or police officer making the seizure, or if no person is found in the apparent possession or custody of the same, the investigator or police officer may arrest and bring before the court the owner or occupant of the building, place, or premises, or the driver, operator, or other person in charge of the conveyance in which the liquor is found, if such person is known or can be ascertained. Any person who has knowingly engaged in, aided, assisted, or abetted the manufacture, obtaining, keeping, or sale of such liquor contrary to law, or has been privy thereto, or has knowingly permitted the use of any place, building, premises, or conveyance for such unlawful purpose, shall be guilty of a misdemeanor and be punished as provided in section 281-102."

SECTION 38. Section 281-111, Hawaii Revised Statutes, is amended to read as follows:

"**§281-111 Condemnation of property or liquor; disposition.** Any still, plant, or other equipment shown to have been used for the manufacture of liquor in violation of this chapter and any liquor manufactured or sold in violation of

this chapter shall be subject to summary seizure as herein provided or to subsequent seizure, and may be condemned and adjudged forfeited to the State, in addition to any penalty separately provided for the violation, the same to be enforced by appropriate legal proceedings in the name of the State. All such property and liquor so condemned and forfeited may be ordered by the court having jurisdiction (1) to be wholly or partially destroyed, or (2) to be sold, wholly or partially, for the account of the county wherein the same were seized, provided that the court may order any such liquor, if suitable, to be delivered to the department of health for distribution to any public institution for use therein for medicinal purposes. The order of the court with respect to such property or liquor shall be effectively executed by the sheriff or the sheriff's deputy, or by the chief of police or the chief of police's deputy, or by any police officer, or by the commission's administrator, or by any investigator, within such time as may be fixed in the order but not exceeding sixty days If any person, whether or not an officer or employee of the State or any county, takes, disposes of, or uses in any manner or to any extent, any of such property or liquor otherwise than as herein provided, the person shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 281-102 "

SECTION 39 Chapter 281, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§281- Hearing, illegal manufacture, importation, or sale of liquor.** The liquor commission may assess and collect a penalty, or reprimand a person for not having a valid license to manufacture or sell any liquor in violation of this chapter or of any rule or regulation applicable thereto

In every case where the administrator elects to conduct proceedings under this section where it is proposed to assess and collect a penalty from a person for not having a valid license to manufacture or sell any liquor in violation of this chapter or of any rule or regulation applicable thereto, such person shall be entitled to notice and hearing in conformity with chapter 91

At the hearing, before final action is taken by the commission, the person shall be entitled to be heard in person or through counsel and shall be given a full and fair opportunity to present facts showing that the alleged cause or causes for the proposed action do not exist, or any reason why no penalty should be imposed The testimony taken at the hearing shall be under oath and recorded stenographically, or by machine, but the parties shall not be bound by the strict rules of evidence; certified copies of any transcript and of any other record made of or at the hearing shall be furnished to such person upon that person's request and at that person's expense

Any order, reprimand, or penalty imposed by the commission upon a person for not having a valid license to manufacture or sell any liquor in violation of this chapter or of any rule or regulation applicable thereto shall be in addition to any penalty that might be imposed upon that person's conviction in a court of law for any violation of this chapter The amount of penalty assessed and collected by the commission from any person under this section for not having a valid license to manufacture or sell any liquor shall not exceed the sum of $2,000 for each charge

Whenever the service of any order or notice shall be required by this section such service shall be made in the following manner in the case of any violation based upon the personal observation of any investigator, a written notice of the violation shall be given to the person charged with a violation within a reasonable period of time after the alleged violation occurred, the person charged shall be requested to acknowledge receipt of the alleged vio-

lation, or, if the person cannot be found after diligent search, by leaving a certified copy thereof at the person's dwelling house or usual place of abode with some person of suitable age and discretion residing therein; and if the person cannot be found after diligent search, and service cannot be made, then service may be made by depositing another certified copy thereof in the certified mail of the United States post office, postage prepaid, addressed to the person at the person's last known residence address; provided, that in the case of a partnership, corporation or unincorporated association, service may be made upon any partner or officer thereof."

SECTION 40. Statutory material to be repealed is bracketed. New statutory material is underscored.[2]

SECTION 41. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.

ACT 172 S.B. NO. 2764

A Bill for an Act Relating to Space Vehicles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 201, Hawaii Revised Statutes, is amended by adding a new section to part V to be appropriately designated and to read as follows:

"**§201- Space vehicles; prohibitions.** Any vehicle launched into space from the land or ocean territory of the State shall not carry weapons of destruction, nuclear waste materials, or use radioactive materials as a power source."

SECTION 2. New statutory material is underscored.[1]

SECTION 3. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 173 S.B. NO. 2924

A Bill for an Act Relating to Housing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 201E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§201E- **Co-mortgagor.** For purposes of qualifying for a mortgage loan to finance the purchase of a dwelling unit under this chapter, a "qualified resident" as defined in section 201E-2 may be assisted by a co-mortgagor who is a family member as defined by the corporation, who may own other lands in fee simple or leasehold suitable for dwelling purposes, whose interest in the dwelling unit to be purchased is limited to no more than one per cent, and who certifies that the co-mortgagor does not intend to reside in the dwelling unit. The income and assets of the co-mortgagor shall not be counted in determining the eligibility of the "qualified resident" under this chapter."

SECTION 2. New statutory material is underscored.[1]

SECTION 3. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 174 S.B. NO. 2945

A Bill for an Act Making an Appropriation for a Totally Electronic Voting System

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Hawaii's current voting system is reliable, however, there are several factors that make it important to consider a totally electronic voting system at this time. The present system is labor-intensive, requiring hundreds of election workers to process and tabulate ballots and an inordinate amount of technical support. It has become increasingly expensive to print the number of ballots required in each election, and with the rapidly changing technology occurring in the computer industry, the current system will become increasingly more difficult and expensive to maintain and operate.

House Concurrent Resolution No. 194, passed by the fifteenth legislature in 1989, requested the lieutenant governor to convene a temporary advisory committee to consider the feasibility of employing electronic voting systems for the State of Hawaii. More specifically, House Concurrent Resolution No. 194 requested the temporary advisory committee to evaluate totally electronic voting systems for use by the State of Hawaii, make recommendations regarding the selection of a vendor to supply an electronic voting system, and make recommendations regarding standards the State should adopt pertaining to the use of a totally electronic voting system.

The committee made the following recommendations:

(1) Hawaii should replace its current voting system with a totally electronic voting system to be used in the 1992 elections;

(2) The committee should continue its investigation and evaluation of electronic voting systems prior to recommending selection of a vendor; and

(3) The standards adopted by the State should comply with state election laws, and to the extent possible, be consistent with the voluntary standards now being developed by the federal election commission.

The purpose of this Act is to appropriate moneys to the office of the lieutenant governor to investigate and select a new, totally electronic voting system to replace the current voting system.

SECTION 2. This appropriation shall be used by the temporary advisory committee on electronic voting systems ("committee") in selecting, and negotiating the purchase of a new, totally electronic voting system. The selection and negotiation process shall be exempt from the provisions of chapter 103, Hawaii Revised Statutes.

SECTION 3. To assist in the selection and acquisition of a vendor for the system, the committee may issue a public request for proposals concerning the provision of a totally electronic voting system, including but not limited to the acquisition, installation, operation, and maintenance of the system. If the committee issues such a request, it shall be implemented in accordance with the following provisions:

(1) The request for proposals shall be advertised not less than three times in a newspaper of general circulation printed and published within the State. No more than one of these publications shall be made on any one day or on two consecutive days;

(2) The request for proposals shall contain the terms and conditions relating to the submission of proposals, evaluation and selection of proposals, financial terms, legal responsibilities, and other matters as may be required by law and as the committee determines appropriate;

(3) Upon receiving responses to the request for proposals, the committee may select the most qualified proposal on the basis of the performance of the systems, the experience and qualifications of the vendors, the technical aspects of the system, cost of the systems, financial terms proposed by vendors, overall design and ease of use of the systems, and any other factors determined by the committee to be relevant and appropriate; and

(4) The committee thereafter may negotiate with vendors and enter into an agreement with the vendor whose proposal is selected as the most qualified based on the criteria established by the committee. The agreement shall be subject to approval of the legislature and the appropriation of funds to fulfill the State's obligations under the agreement.

SECTION 4. The committee shall submit a report to the legislature not later than twenty days prior to the convening of the 1991 regular session. The report shall include reasons for selecting the system, details of the agreement, acquisition and operating costs, and other relevant information.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of $250,000, or so much thereof as may be necessary for fiscal year 1990-1991, to carry out the purposes of this Act, including the hiring of necessary staff exempt from the provisions of chapters 76, 77, and 89.

SECTION 6. The sum appropriated shall be expended by the office of the lieutenant governor.

SECTION 7. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised

Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $250,000, or 0 0099 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act

SECTION 8 Any unexpended or unencumbered balance of any appropriation made by this Act as of the close of business on June 30, 1991 shall lapse into the general fund

SECTION 9 This Act shall take effect on July 1, 1990

(Approved June 19, 1990)

ACT 175 S B NO 2978

A Bill for an Act Establishing a Commission to Celebrate the 500th Anniversary of Christopher Columbus' Arrival in the New World and Making an Appropriation Therefor

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that October 12, 1992, marks the five hundredth anniversary of Christopher Columbus' arrival in the new world Commissions have been established in thirty-five states and over thirty countries to observe this event and to examine the legacy of Columbus's voyages

Hawaii can make important contributions to these educational and commemorative events in 1992-1993 Because of its history and multicultural society, this State can bring unique insights to the ideas of exploration, cultural encounter, exchange, and adaptation

Seafaring, exploration, and settlement by Asian and pacific peoples were also significant and preceded the European explorations exemplified by Columbus Their exploration and settlement of southeast Asia and the vast Pacific, centuries before Columbus, attest to their skill, knowledge, and spirit of discovery Hawaii's location and leadership in Pacific affairs can broaden "old and new world" perspectives to international perspectives—east, west, and Pacific—that are critical to America's well-being today

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $1, or 0 0000 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the need provided for by this Act

SECTION 3 There is established a temporary commission to be known as the commission on the Columbian quincentennial observance The commission shall be placed within the office of the governor for administrative purposes commencing July 1, 1990, and ceasing operation after June 30, 1993

SECTION 4. The commission shall consist of fifteen members to be appointed by the governor without regard to section 26-34, Hawaii Revised Statutes. Four of the members shall be representatives from the four counties, and the remaining members shall represent government, labor, business, and the community-at-large. The membership shall be ethnically diverse, and to maintain a strong educational focus, representatives from the department of education, the University of Hawaii, and other educational and cultural institutions shall be included. The governor shall designate the chair of the commission from among the appointed members. The members shall not receive compensation for their services but shall be reimbursed for necessary expenses, including travel expenses, incurred in the performance of their duties under this Act.

SECTION 5. The commission shall prepare an overall program to observe the five hundredth anniversary of the arrival of Christopher Columbus to the new world and to promote community understanding of cultural, political, scientific, and other transformations resulting from exploration, encounter, and exchange in various parts of the world. The commission shall develop, plan, and coordinate the various program activities that are to be scheduled throughout the year of the observance and shall encourage the participation of all segments of the community. In planning and encouraging program activities, the commission shall seek to harmonize and balance events of a ceremonial and celebratory nature with those relating to scholarship and education. The commission shall consider any related plans and programs developed by other nations, states, and interested private and public organizations or agencies from whose members the commission may designate special committees to plan, develop, and coordinate specific projects or activities.

The commission shall submit to the governor a comprehensive report for the five hundredth anniversary observance which shall include, but not be limited to:

(1) The production, publication, and distribution of books, films, and other educational materials;
(2) Conferences, convocations, lectures, and seminars; and
(3) Interpretive exhibits, ceremonies, theatrical productions, and other special events commemorating the anniversary.

SECTION 6. There is created the Columbian quincentennial observance trust fund which shall consist of payments made to the trust fund as provided in this Act or through other legislative appropriations. All moneys received by the commission shall be deposited by the state director of finance into the trust fund and expended by the commission for the purposes of this Act. Disbursement of such moneys shall be by state warrants issued in accordance with applicable laws and rules and shall be based on vouchers signed by the chair of the commission.

The commission may seek grants from public and private sources and may accept donations to finance the projects, programs, and activities of the five hundredth anniversary observance.

All property acquired by the commission shall be deposited for preservation in the state library system, museums, and public archives or shall otherwise be disposed of as directed by the commission.

SECTION 7. At the end of its term, the commission shall submit to the governor a final report of all its activities, including an accounting of all moneys received and disbursed.

SECTION 8 There is appropriated out of the general revenues of the State of Hawaii the sum of $1, or so much thereof as may be necessary for fiscal year 1990-1991, to carry out the purposes of this Act

The sum appropriated shall be expended by the office of the governor for the purposes of this Act

SECTION 9 This Act shall take effect on July 1, 1990

(Approved June 19 1990)

ACT 176 S B NO 3018

A Bill for an Act Relating to the Administrative Process to Establish and Enforce Child Support Obligations

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Chapter 576E, Hawaii Revised Statutes, is amended by adding new sections to be appropriately designated and to read as follows

"**§576E- Contempt; procedure for punishment.** In any hearing in a contested case before a hearings officer, any adult who willfully violates, neglects, or refuses to obey or perform any lawful order of the hearings officer, may be proceeded against in the family court for contempt of court according to law

§576E- Interstate request for income withholding. (a) Whenever the agency acts as an initiating state, it shall promptly notify the child support agency of the state in which the responsible parent is employed to request an interstate income withholding The notice shall contain all the information that is necessary to carry out the withholding, including the amount requested to be withheld, a copy of the support order, and a statement of arrearages, if any

(b) Upon receipt of an interstate income withholding request from another jurisdiction by this State, the responsible parent shall be served with an advance notice pursuant to section 576E-4 before the intended withholding is to take place The notice shall include

(1) The amount of past due support and the amount to be withheld,
(2) A statement that the withholding applies to the current or subsequent employers,
(3) A statement that the responsible parent is entitled to a hearing, together with an explanation of the procedures to contest the intended withholding,
(4) A statement that, unless the responsible parent files a written request for a hearing within ten days of the service of the notice, an income withholding order shall be issued, and
(5) A statement that the only defenses to contesting income withholding are mistakes of fact, which means errors in the amount of current or past due support, or mistaken identity of the alleged responsible parent

(c) Upon a responsible parent's written request for a hearing, a hearing shall be conducted pursuant to section 576E-9, and when otherwise applicable, chapter 91 The responsible parent shall be notified of the hearings officer's decision as to whether income withholding shall take place

(d) Enforcement of the support order may also include child support arrearages and reimbursement of Aid to Families with Dependent Children moneys, where such order provides a monthly payment plan for these established debts.

§576E- Willful violations; penalties. Unless otherwise provided herein, any person who knowingly, intentionally or willfully violates any section of this chapter shall be guilty of a petty misdemeanor.

§576E- Uniform statewide procedures. The agency shall adopt uniform statewide procedures in compliance with applicable federal law, including part 305 of Title 45, Code of Federal Regulations."

SECTION 2. Section 571-52.2, Hawaii Revised Statutes, is amended to read as follows:

"**§571-52.2 Automatic assignment by court or administrative order of future income for payment of child support.** (a) Notwithstanding section 571-52, the court or the child support enforcement agency shall order an assignment of future income when:

(1) The court has ordered any person (hereinafter the "obligor") to make periodic payments toward the support of a child pursuant to a court or administrative order, judgment, or decree;

(2) The court or administrative order, judgment, or decree provides for an automatic assignment of the obligor's income upon the obligor's failure to timely pay any child support that the obligor is required to pay through the child support enforcement agency or directly to the obligee; and

(3) The child support enforcement agency finds the obligor to be delinquent in payments in an amount equal to or greater than the sum of payments which would become due over a one month period under the order, judgment, or decree providing for child support and notifies the court.

The order shall take effect without necessity of further action of the court [or application of the custodial parent] or child support enforcement agency, except when a hearing is requested under subsection (c).

(b) The court[,] or the child support enforcement agency, on its own motion, may order an assignment of future income, or a portion thereof, of the obligor in an amount adequate to insure that past due payments and payments which will become due in the future under the terms of the support order will be paid.

(c) The court or the clerk of the court or the child support enforcement agency shall provide the obligor written notice at least fourteen days in advance of entering an automatic income assignment and inform the obligor the automatic income assignment will issue on a certain date unless the obligor files with the court or the clerk of the court or the child support enforcement agency, whichever provided the notice, a written objection to the automatic assignment and a written request for a hearing. If the obligor files the written objection and the written request, the court or the clerk of the court or the child support enforcement agency shall not issue the automatic assignment of future income until a hearing is held and the matter resolved. The court and the child support enforcement agency shall establish and implement other notice procedures as may be necessary to adequately protect the obligor's right to procedural due process.

(d) The order for automatic assignment shall operate as an assignment by the obligor to the child support enforcement agency and shall be binding upon any person who is or shall become obligated to the obligor for payment of income and who has been served with a certified copy of the assignment order The assignment shall be terminated when appropriate by the court or the clerk of the court or the child support enforcement agency, provided that payment of all overdue support shall not be the sole basis for terminating the assignment In the event that the obligee retains private counsel or proceeds pro se, the obligee shall have primary responsibility for terminating the assignment. If the obligee fails to terminate the assignment when appropriate, the obligee shall reimburse the obligor to the extent of any overpayment If the assignment is not terminated when appropriate, the obligor may seek reimbursement for any overpayment from the obligee or the child support enforcement agency. The child support enforcement agency shall establish procedures by rule in accordance with chapter 91 for the prompt reimbursement for any overpayment to the obligor

(e) An employer receiving an assignment order shall send the amounts withheld to the child support enforcement agency within ten days after the obligor is paid The employer shall begin withholding no later than the first pay period occurring within fourteen days following the date a certified copy of the order is mailed to the employer An employer who is required to withhold amounts from the income of more than one obligor may remit a sum total of the amounts in one check, with a listing of the amounts applicable to each obligor

(f) For each payment made pursuant to an assignment order, the person making such payment may deduct and retain as an administrative fee the additional amount of $2 from the income owed to the obligor Any assignment made pursuant to an assignment order shall have priority as against any garnishment, attachment, execution, or other assignment order, or any other order unless otherwise ordered by the court and the same shall not be subject to any of the exemptions or restrictions contained in part III of chapter 651, and chapters 652 and 653.

For purposes of this section, delinquencies in payments shall be computed on the basis of the moneys owed and unpaid on the date that the obligor under the support order has been given notice pursuant to law of the application for the order of assignment, and the fact that the obligor may have subsequently paid such delinquencies shall not relieve the court or the child support enforcement agency of its duty under this subsection to order the assignment

(g) It shall be unlawful for any employer to fail to comply with the requirements of this section In addition, [Any] an employer who fails to comply with an order of assignment of future income, as provided for under this section, shall be liable to the obligee or the obligee's assignee for whom support was required to be paid, for the full amount of all sums ordered to be withheld and transmitted and not otherwise done so

(h) The only basis for contesting a withholding under this section is a mistake of fact, which, for purposes of this section, means an error in the amount of current or overdue support or in the identity of the alleged absent parent

(i) In contested cases, the State shall notify the obligor, within forty-five days, as to whether the withholding of the obligor's income will occur

(j) Obligors may request withholding of their income prior to the entry of an order for the repayment of a delinquency

(k) Notice of automatic income assignment after a one-month delinquency shall be included in every child support order entered hereafter in the State

(l) The [child support enforcement agency may allocate] amounts withheld from the income of an obligor may be allocated among more than one obligee [if so ordered by the court].

(m) The provisions of section 571-52(c) and (d) shall apply to all orders for automatic assignments issued under this section.

(n) Notwithstanding any other provision of law, for purposes of this section, the term "income" shall include without limitation, salaries, wages, earnings, workers' compensation, unemployment compensation, disability benefits, commissions, independent contractor income, and any other entitlement to money including moneys payable as a pension or as an annuity or retirement or disability or death or other benefit, or as a return of contributions and interest thereon from the United States government, or from the State or other political subdivision thereof, or from any retirement, disability, or annuity system established by any of them pursuant to statute.

The term "employer", as used in this section includes the United States government, the State, any political subdivision thereof and any person who is or shall become obligated to the obligor for payment of income."

SECTION 3. Section 576-4, Hawaii Revised Statutes, is amended to read as follows:

"**§576-4 Intercounty application.** (a) This chapter shall be applicable when both the plaintiff and the defendant are in this State but in different counties. If the court of the county in which the complaint is filed finds that the petition sets forth facts from which it may be determined that the defendant owes a duty of support and finds that a court of another county in this State may obtain jurisdiction of the defendant or the defendant's property, the clerk of the court shall send three copies of the complaint and a certification of the findings to the court of the county in which the defendant or the defendant's property is found. The clerk of the court of the county receiving these copies shall notify the county attorney or corporation counsel of their receipt. The county attorney or corporation counsel and the court in the county to which the copies are forwarded shall then have duties corresponding to those imposed upon them when acting for the State as a responding state. Section 576-27 requiring three certified copies of this chapter to be transmitted by the sending state to the responding state shall not apply when the provisions of this chapter are used by or between the counties of this State.

(b) Notwithstanding the provisions in subsection (a), the procedures in chapter 576E shall apply when the child support obligor and obligee reside in different counties in this State."

SECTION 4. Section 576-27, Hawaii Revised Statutes, is amended to read as follows:

"**§576-27 Duty of court or child support enforcement agency of this State as initiating state.** If the court or the child support enforcement agency of this State acting as an initiating state finds that the petition sets forth facts from which it may be determined that the defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or the defendant's property, it shall so certify and shall cause three copies of (1) the petition, (2) its certificate, and (3) this chapter to be transmitted to the court in the responding state. If the name and address of the court is unknown and the responding state has an information agency comparable to that established in the initiating state, it shall cause such copies to be transmitted to the state information agency or

other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court or the child support enforcement agency of the initiating state."

SECTION 5. Section 576-31, Hawaii Revised Statutes, is amended to read as follows:

"**§576-31 Duty of the court or child support enforcement agency of this State as responding state.** When the court or the child support enforcement agency of this State, acting as a responding state, receives from [the court of] an initiating state the aforesaid copies, it shall [(1) docket the cause, (2) notify the county attorney or corporation counsel if plaintiff is not represented by private counsel, (3) set a time and place for a hearing, and (4)] take such action as is necessary in accordance with the laws of this State to [obtain jurisdiction.] establish or enforce support."

SECTION 6. Section 576-33, Hawaii Revised Statutes, is amended to read as follows:

"**§576-33 Procedure.** The court, or hearings officer as defined in section 576E-1, shall conduct proceedings under this chapter or chapter 576E in the manner prescribed by law for an action for the enforcement of the type of support claimed."

SECTION 7. Section 576D-7, Hawaii Revised Statutes, is amended to read as follows:

"**[|§576D-7|] Guidelines in establishing amount of child support.** (a) The family court, in consultation with the agency, shall establish guidelines to establish the amount of child support when an order for support is sought or being [enforced] modified under this chapter. The guidelines shall be based on specific descriptive and numeric criteria and result in a computation of the support obligation.

The guidelines may include consideration of the following:

(1) All earnings, income, and resources of both parents; provided that earnings be the net amount, after deductions for taxes, and social security. Overtime and cost of living allowance may be deducted where appropriate;
(2) The earning potential, reasonable necessities, and borrowing capacity of both parents;
(3) The needs of the child for whom support is sought;
(4) The amount of public assistance which would be paid for the child under the full standard of need as established by the department;
(5) The existence of other dependents of the obligor parent;
(6) To foster incentives for both parents to work;
(7) To balance the standard of living of both parents and child and avoid placing any below the poverty level whenever possible;
(8) To avoid extreme and inequitable changes in either [parents] parent's income depending on custody; and
(9) If any obligee parent (with a school age child or children in school), who is mentally and physically able to work, remains at home and does not work, thirty (or less) hours of weekly earnings at the minimum wage may be imputed to that parent's income.

(b) The guidelines shall be:
(1) Applied statewide;
(2) To simplify the calculations as much as practicable;
(3) Applied to ensure, at a minimum, that the child for whom support is sought benefits from the income and resources of the obligor parent on an equitable basis in comparison with any other minor child of the obligor parent;
(4) Established by October 1, 1986; and
(5) Transmitted to the agency and all family court judges when available or updated, and shall be considered by the judges in the establishment of each child support order.

(c) The family court, in consultation with the agency, may update the guidelines when the family court deems it necessary."

SECTION 8. Section 576E-1, Hawaii Revised Statutes, is amended to read as follows:

"**[]§576E-1[] Definitions.** As used in this chapter, unless the context otherwise requires:

"Administrative order" means the order resulting from an administrative adjudication by a hearings officer or the attorney general, through the agency, of the final disposition of a matter before the agency.

"Agency" means the child support enforcement agency established by section 576D-2.

"Arrearage" means past due child support under an existing court or administrative order.

"Child support" means payment for the necessary support and maintenance of a child as required by law.

"Court" means the family courts of this State and, when the context requires, a court or agency of any other state having jurisdiction to establish, modify, and enforce support obligations.

["Court order" means any judgment, decree, or order of a court or agency that requires the payment of a set or determinable amount of child support, or child support and spousal support.]

"Custodial parent" means a parent, guardian, or other person having custody of the child.

"Department" means the department of the attorney general.

"Debt" means the public assistance debt [pursuant to] as described in section 346-37.1.

"Dependent child" means any person to whom a duty of support is owed.

"Duty of support" means any duty of support imposed or imposable by law, or by any court order, decree, or judgment, whether interlocutory or final or whether incidental to a proceeding for divorce, judicial separation, separate maintenance, or otherwise, and includes the duty to pay arrearages of support past due and unpaid.

"Employee" means any person working for another for hire, including but not limited to, an individual employed in domestic service or at a family's or person's home or any individual employed by the individual's parent or spouse, or independent contractors.

"Employer" means any person who uses or engages [in] the services of any person in exchange for the payment of wages or other means of exchange, including the United States government, the State, and any political subdivision thereof[.], and anyone who is or shall become obligated for payment of income.

"Hearings officer" means a public official appointed and commissioned pursuant to section 576E-10

"Obligee" means any person to whom payments are required to be made under the terms of a court or administrative order for child support, or child support and spousal support

"Obligor" means a responsible parent obligated by court or administrative order to pay child support

"Public assistance" means any cash paid or medical assistance provided by the department of human services to or for the benefit of any dependent child, including amounts paid to or on behalf of the child's custodian

"Responsible parent" means any person [upon whom the law of this State places a duty of support] who has a legal duty of support

"Support order" means an obligation determined by a court or duly authorized administrative agency, for the maintenance of a dependent child, which is owed to or on behalf of the child, or to the parent or custodian with whom the child is living

"Uniform statewide procedures" means a written set of instructions prepared by the agency which describe step by step actions to be taken by agency personnel in the performance of duties under this chapter "

SECTION 9 Section 576E-2, Hawaii Revised Statutes, is amended to read as follows

"§576E-2 Attorney general; powers. Notwithstanding any other law to the contrary, the attorney general, through the child support enforcement agency, shall have concurrent jurisdiction with the court in all proceedings in which a support obligation is established, modified, or enforced, including, but not limited to, proceedings under chapters 571, 580, 584, and 576, the Uniform Reciprocal Enforcement of Support Act The attorney general, through the child support enforcement agency, may establish, modify, suspend, terminate, and enforce child support obligations using the administrative process provided in this chapter on all cases for which the department has a responsibility under Title IV-D of the Social Security Act, including but not limited to welfare and nonwelfare cases in which the responsible parent is subject to the department's jurisdiction, regardless of the residence of the children for whom support is sought These powers shall include, but not be limited to, the power to

(1) Conduct investigations into the ability of responsible parents to pay support and into nonpayment of support,
(2) Administer oaths, issue subpoenas, and require production of books, accounts, documents, and evidence,
(3) Establish, modify, suspend, terminate, or enforce a support order,
(4) Determine that a responsible parent has not complied with a court or administrative order[,] and make recommendations to the court or other agency with respect to contempt or other appropriate proceedings,
(5) Establish arrearage,
(6) Establish a public assistance debt under section 346-37 1,
(7) Order and enforce assignment of future income under section 576E-16, and chapter 571, [and]
(8) Exercise the powers and authority described in this section, notwithstanding the existence of a prior court or administrative order issued by another state or foreign jurisdiction, except as modified or limited by this chapter[ ], and

(9) Delegate the powers and authority described in this section to hearings officers and employees of the agency."

SECTION 10. Section 576E-3, Hawaii Revised Statutes, is amended to read as follows:

"**[|]§576E-3[|] Jurisdiction.** Notwithstanding any other law to the contrary, the agency shall have concurrent jurisdiction with the court over:

(1) Any person found within the State of Hawaii against whom a child support obligation may be established, modified, suspended, terminated, or enforced[, and];[1] and

(2) Any person without the State who has maintained a domicile in this State while [subject to] involved in a marital or family relationship out of which arises a claim for child support, including any person against whom a Hawaii court or agency has entered a support order."

SECTION 11. Section 576E-4, Hawaii Revised Statutes, is amended to read as follows:

"**[|]§576E-4[|] Service of process.** Service of the notice provided in section 576E-5 shall be by personal service or certified mail, return receipt requested. After initial service is effected, additional service upon a party shall be satisfied by regular mail to the party's last known address."

SECTION 12. Section 576E-5, Hawaii Revised Statutes, is amended to read as follows:

"**[|]§576E-5[|] Commencement of administrative proceedings; notice.** The agency shall serve a notice of administrative proceedings and notice of financial responsibility upon the responsible parent [not less than thirty days prior to commencing administrative proceedings to make an order] prior to the issuance of an order under [section 576E-11.] this chapter. The notice shall contain:

(1) A copy of the order proposed to be entered [by the agency];

(2) A statement that the responsible parent is entitled to an administrative hearing before an impartial hearings officer to contest the entry of the order together with an explanation of the procedure for requesting a hearing;

(3) A statement of rights at the hearing together with an explanation of defenses or objections which may be considered by the hearings officer;

(4) The legal authority under which the hearing is to be held;

[(4)] (5) A statement that the property of the responsible parent may be seized or that the income of the responsible parent may be withheld for payment of support; [and

(5)] (6) A statement that information relating to the responsible parent's nonpayment of support may be made available to credit-reporting agencies[.];

(7) A statement that child support payment shall be payable by an order for immediate income withholding which shall be entered concurrently with the administrative order pursuant to section 576E-16;

(8) A statement that the responsible parent has the right to request judicial review of a final order of a hearings officer pursuant to section 576E-13; and

(9) A statement that an administrative determination of a support obligation creates a judgment by operation of law upon filing of the order at the family court and as such is entitled to full faith and credit in any other state or jurisdiction."

SECTION 13. Section 576E-6, Hawaii Revised Statutes, is amended to read as follows:

"**[[]§576E-6[]] Request for hearing; how made.** Any responsible parent who is aggrieved by the proposed order of the agency may, within ten days of service of a notice pursuant to section 576E-5,[1] obtain a hearing by sending a written request for hearing to the agency office that issued the notice [pursuant to section 576E-5]."

SECTION 14. Section 576E-7, Hawaii Revised Statutes, is amended to read as follows:

"**[[]§576E-7[]] Failure to request hearing; effect.** If the responsible parent fails to request a hearing within [twenty] ten days of [receipt] service of the notice issued pursuant to section 576E-5, the agency shall adopt the proposed order as the final order in the action. [Such orders shall be final decisions of the agency, entitled to judicial review as provided in section 576E-13.]"

SECTION 15. Section 576E-9, Hawaii Revised Statutes, is amended to read as follows:

"**[[]§576E-9[]] Hearings in contested cases.** Hearings in contested cases shall be conducted in accordance with this chapter, and when otherwise applicable, chapter 91,[1] and shall be presided over by [an administrative] a hearings officer appointed and commissioned by the attorney general[.] pursuant to section 576E-10. The attorney general may adopt such administrative rules pursuant to chapter 91, as may be necessary to carry out the provisions of this section. In any hearing conducted under this section, the responsible parent shall have the right to confront and cross-examine witnesses, to present witnesses and evidence, to be represented by counsel or other person, and to be notified of these rights in writing. Hearings may be conducted by telephone or other electronic telecommunications methods upon the consent of all parties to the hearing."

SECTION 16. Section 576E-10, Hawaii Revised Statutes, is amended to read as follows:

"**§576E-10 Hearings officers.** The attorney general shall appoint and commission, without regard to chapters 76 and 77, such hearings officers as may be necessary to carry out the purposes of this chapter. Hearings officers shall exercise all of the powers granted to the attorney general under this chapter, but shall not be considered deputy attorneys general and shall not exercise the powers or discharge the duties conferred upon the attorney general or the attorney general's deputies by chapter 28. In exercising the powers conferred upon the attorney general in section 576E-2, the hearings officers shall have the authority to:

(1) Enter a default order against a responsible parent who fails to appear at the time and place of the hearing, upon a showing of proper notice to that parent;

(2) Accept a voluntary acknowledgment of support liability or stipulated agreement setting the amount of support to be paid after [consideration] application of the guidelines established under section 576D-7;
(3) Enter an income withholding order pursuant to section 576E-16;
(4) Conduct a hearing and enter an automatic income assignment order pursuant to section 571-52.2;
(5) Enter an interstate income withholding order pursuant to section 576E-16;
(6) Enter support orders which have the effect of modifying, suspending, terminating, or enforcing the child support provision of orders of the Hawaii family courts;
(7) Enter support orders of any form if the order establishes, modifies, suspends, terminates, or enforces child support obligations;
[(3)] (8) Receive testimony from the parties to the hearing and establish a record; [and
(4)] (9) Evaluate the testimony and other evidence received at the hearing and make specific findings of fact and conclusions of law[.] after contested case hearings and when otherwise required by law;
(10) Issue subpoenas;
(11) Compel production of documents and witnesses;
(12) Dismiss a child support case upon finding of good cause;
(13) Hold a pre-hearing conference;
(14) Conduct a hearing and enter an order concerning whether a state income tax refund should be intercepted to satisfy a past due support obligation pursuant to section 231-54;
(15) Enter an order concerning whether a responsible parent's unemployment compensation should be applied to satisfy a past due support obligation pursuant to chapter 576D;
(16) Enter an order concerning whether a lien should be imposed on a responsible parent's personal and real property pursuant to section 576D-10.5;
(17) Enter an order concerning whether a responsible parent should be required to post bond in order to secure payment of past due support pursuant to chapter 576D;
(18) Enter an order concerning whether a responsible parent's child support obligation should be reported to consumer credit reporting agencies pursuant to chapter 576D; and
(19) Refer contempt proceedings to the appropriate court."

SECTION 17. Section 576E-11, Hawaii Revised Statutes, is amended to read as follows:

"**[|§576E-11|| [Agency] Administrative orders; required findings.** Every order entered [by the agency] pursuant to this chapter shall specify, [at a minimum,] where applicable,[1] the following:
(1) The amount of periodic support to be paid by the responsible parent, with directions as to the manner of payment;
(2) The amount of child support [arrears,] arrearage,[1] if any, that [have] has accrued under an existing court or administrative order;
(3) The amount of public assistance debt, if any, accrued under section 346-37.1;

(4) The amount of the periodic payment to be made in liquidation of such public assistance debt, if any, or child support [arrears,] arrearage,[1] if any,

(5) The extent of the responsible parent's responsibility to provide medical insurance coverage for the dependent child involved in the case, or otherwise to pay the reasonable and necessary medical expenses of the dependent child,

(6) The name of the person or agency with custody of the dependent child for whom support is sought, except where a court has previously directed that such information be withheld, and the name and birth date of such child,

(7) A statement that the property of the responsible parent is subject to collection action, including but not limited to, withholding of income, unemployment [insurance benefits,] compensation, workers' compensation, and retirement benefits, seizure of property, disclosure of information relating to the responsible parent's debt to consumer credit reporting agencies, and federal and state tax refund interception;

(8) A statement that violations of the [agency's] administrative order are punishable as contempt of court; and

(9) A statement notifying the responsible parent of the right to judicial review of [agency] administrative orders, and the procedure for obtaining such review."

SECTION 18. Section 576E-12, Hawaii Revised Statutes, is amended to read as follows:

"**[|||§576E-12||| [Agency] Administrative orders; force and effect.** (a) A true copy of the [agency's] administrative order, along with a true copy of the return of service, shall be filed by the agency in the office of the clerk of the circuit court in the circuit where the order was issued. Upon filing, the order shall have all the force and effect of a final order or decree of the circuit court.

(b) Orders for reimbursement of public assistance shall be considered child support arrearages for purposes of nondischargeability in bankruptcy.

(c) The [agency] administrative order shall remain in effect until superseded by a subsequent court or administrative order [entered by the agency or by the court, or until the responsible parent's obligation to provide support for the dependent child and to reimburse the State for public assistance paid on behalf of the child, has ceased to exist].

(d) A copy of the order shall be served by regular mail upon the responsible parent. A copy of the order shall also be sent to the person having custody of the dependent child."

SECTION 19. Section 576E-13, Hawaii Revised Statutes, is amended to read as follows:

"**§576E-13 Appeal to the family court.** [Any responsible parent aggrieved by a final order entered by the agency pursuant to this chapter may obtain judicial review under chapter 91 by filing a notice of appeal to the senior family court judge or senior judge in the circuit in which the person resides within thirty days of the filing of the order.] (a) Any party, including the agency, who is aggrieved by a final decision and order in a contested case or by a preliminary ruling of the nature that deferral of review pending entry of a subsequent final

decision would deprive appellant of adequate relief is entitled to judicial review under chapter 91.

(b) Proceedings for review shall be instituted in the family court of the circuit where the appellant resides within thirty days after the preliminary ruling or within thirty days after service of the certified copy of the final decision and order of the hearings officer or agency. The filing of a notice of appeal shall not stay enforcement of the administrative order.

(c) The senior family court judge or senior judge may assign the hearing and disposition of such appeals to any district judge of the family court who shall exercise all of the powers conferred upon a circuit court by section 91-14. [The filing of a notice of appeal shall[1] not stay enforcement of the agency order.]"

SECTION 20. Section 576E-14, Hawaii Revised Statutes, is amended to read as follows:

"**[]§576E-14[] Modification, suspension, or termination of [agency] court and administrative orders.** (a) [After the entry of an order by the agency under this chapter, the] The responsible parent, the agency, or the person having custody of the [involved] dependent child may file a request for suspension, termination, or modification of the child support provisions of a Hawaii court or administrative order with the agency. Such request shall be in writing, shall set forth the reasons for suspension, termination, or modification, including the change in[1] circumstances since the date of the entry of the order, and shall state the address of the requesting party. [The request shall be served by the requesting party, by personal service or by certified mail, return receipt requested, upon all parties to the original administrative proceeding, and to the person presently having custody of the dependent child. The agency shall thereupon schedule and conduct a hearing on the request.] The agency shall thereafter commence administrative proceedings pursuant to sections 576E-5 through 576E-9.

(b) Only payments accruing subsequent to service of the request on all parties may be modified, and only upon a showing of a substantial and material change of circumstances. The agency shall not be stayed from enforcement of the existing order pending the outcome of the hearing on the request to modify.

(c) Upon satisfaction of a responsible parent's support obligation toward the dependent child and the State, the agency or hearings officer without application of any party may issue an order terminating child support and may concurrently, if applicable, issue an order terminating existing assignments against the responsible parent's income and income withholding orders."

SECTION 21. Section 576E-15, Hawaii Revised Statutes, is amended to read as follows:

"**[]§576E-15[] Guidelines to be followed.** (a)[1] When [the agency] an administrative order establishes or modifies the amount of child support required to be paid by a responsible parent, [the agency shall use] the guidelines established under section 576D-7[,] shall be applied, except when exceptional circumstances warrant departure."

SECTION 22. Section 576E-16, Hawaii Revised Statutes, is amended to read as follows:

"**§576E-16 Income withholding.** (a) Whenever [any] an administrative order is entered [by the agency] establishing, modifying, or enforcing support, establishing an arrearage that has accrued under a previous judicial or adminis-

trative order for support, or establishing a public assistance debt, [the agency] there shall concurrently [issue] be issued an order which shall operate as an assignment to the agency for the benefit of the child of such amounts at such times as may be specified in the order, from the responsible parent's income due or to become due in the future from the responsible parent's employer, or successor employers, until further court or administrative order [of the agency] A copy of the income withholding order shall be filed in the office of the clerk of the circuit court in the circuit where the order was issued along with the copy of the support order as provided in section 576E-12

(b) The income withholding order shall be effective immediately after service upon an employer of a true copy of the order, which service may be effected by certified or registered mail or by personal delivery Thereafter, the employer shall for each pay period, withhold from the income due to the responsible parent from the employer, and not required to be withheld by any other provision of federal or state law, and transmit to the agency, as much as may remain payable to the responsible parent for such pay period up to the amount specified in the order as being payable during the same period The employer shall immediately inform the agency of any change that would affect the income withholding order or the disbursement thereof

(c) Compliance by an employer with the income withholding order shall operate as a discharge of the employer's liability to the responsible parent for that portion of the responsible parent's earnings withheld and transmitted to the agency, whether or not the employer has withheld the correct amount For each payment made pursuant to an income withholding order, the employer may deduct and retain as an administrative fee an additional amount of $2 from the income owed to the responsible parent Any income withholding order shall have priority as against any garnishment, attachment, execution, or other income withholding order, or any other order, unless otherwise ordered [by the agency], and shall not be subject to the exemptions or restrictions contained in part III of chapter 651 and in chapters 652 and 653. An employer who fails to comply with an income withholding order [entered by the agency] under this section shall be liable to the obligee or the agency for the full amount of all sums ordered to be withheld and transmitted An employer receiving an income withholding order shall transmit amounts withheld to the agency within ten days after the responsible parent is paid The employer shall begin withholding no later than the first pay period commencing within fourteen days following the date a copy is mailed to the employer An employer who is required to withhold amounts from the income of more than one employee may remit to the agency a sum total of all such amounts in one check with a listing of the amounts applicable to each employee

(d) An income withholding order shall remain in effect until terminated when appropriate by [the agency] court or administrative order Payment by the responsible parent of any delinquency shall not in and of itself warrant termination of the income withholding order The agency shall promptly refund any amount withheld in error to the responsible parent

(e) It shall be unlawful for any employer to refuse to hire a prospective employee, to discharge an employee, or to take any other disciplinary action against an employee, based in whole or in part upon an order authorized by this section Any employer violating this section shall be guilty of a misdemeanor and shall be punished under section 710-1077(1)(g)

(f) Notwithstanding any other provision of law, for the purposes of this section, the term "income" shall include, without limitation, salaries, wages, earnings, workers' compensation, unemployment compensation, disability benefits, commissions, independent contractor income, and any other entitlement to

money including moneys payable as a pension or as an annuity or retirement or disability or death or other benefit, or as a return of contributions and interest thereon from the United States government, or from the State or political subdivision thereof, or from any retirement, disability, or annuity system established by any of them pursuant to statute.

(g) Any responsible parent may request withholding of the parent's income prior to entry of an administrative order [by the agency]. The employer shall comply with that request as if so ordered [by the agency] under this section.

(h) The [agency may allocate] amounts withheld from the income of [one] a responsible parent may be allocated among more than one obligee. If concurrent assignment orders would cause the amounts withheld from the responsible parent's income to exceed applicable wage withholding limitations, the current support obligation of the first served order shall be satisfied first, and then current obligations of subsequently served orders shall be satisfied in the order of service. Thereafter, arrearages due under the income withholding order shall be satisfied in the order of service, up to the applicable limitation.

(i) If a responsible parent changes employment when an income withholding order is in effect, the agency shall notify the responsible parent's new employer of the responsible parent's obligation in accordance with subsections (b)-(f). The new employer shall be bound by the income withholding order until further court or administrative order."

SECTION 23. Section 576E-17, Hawaii Revised Statutes, is amended to read as follows:

"[~~§576E-17~~] **Medical support enforcement.** (a) Where the responsible parent is ordered [by the agency] pursuant to section 576E-11(5) to provide medical insurance coverage for the dependent child, the agency shall, in addition to any income withholding order issued pursuant to section 576E-16, forward a copy of the support order, by registered or certified mail or by personal service, to the responsible parent's employer or union when the responsible parent fails to provide written proof to the agency, within thirty days of receipt of the [agency's] order, that the insurance has been obtained or that application for insurance coverage has been made.

(b) Upon receipt of the copy of[~~]~~ order, or upon request of the responsible parent pursuant to the order, the employer or union shall enroll the dependent child as a beneficiary in the group medical insurance plan and withhold any required premium from the responsible parent's income. If more than one plan is offered by the employer or union, the child shall be enrolled in the plan in which the responsible parent is enrolled or the least costly plan otherwise available to the responsible parent that is comparable to the plan in which the responsible parent is enrolled.

(c) A dependent child whom a responsible parent is required to cover as a beneficiary pursuant to this section is eligible for insurance coverage as a dependent of the responsible parent until the duty of support expires or until further court or administrative order[~~]~~ [of the agency or a court of competent jurisdiction]. The insurance coverage shall not be terminated prior to entry of such an order relieving the responsible parent of the duty to provide insurance coverage.

(d) The signature of the custodial parent of the insured dependent child is a valid authorization to the insurer for purposes of processing an insurance reimbursement payment to the provider of medical services. When an order for dependent insurance coverage is in effect and the responsible parent's employment is terminated, or the insurance coverage is terminated, the insurer shall

notify the agency within ten days of the termination date with notice of conversion privileges, if any

(e) Notwithstanding any other law to the contrary, when an order for insurance coverage is in effect, the responsible parent's employer or union shall release to the agency, upon request, information on the dependent coverage available to the responsible parent, including the name of the insurer

(f) Any responsible parent who fails to comply with an order [entered by the agency] requiring the maintenance of insurance coverage for the dependent child shall be liable for any medical expenses incurred by the obligee or the State after the effective date of the order."

SECTION 24 Section 576-37 5, Hawaii Revised Statutes, is repealed

SECTION 25 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 26 This Act shall take effect upon its approval

(Approved June 19 1990)

Notes

1 So in original
2 Edited pursuant to HRS §23G-16 5

ACT 177 S B NO 3077

A Bill for an Act Relating to Group Homes for Recovering Substance Abusers

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Purpose The legislature finds that the federal Anti-Drug Abuse Act of 1988 (P L 100-690) requires the establishment of a revolving fund to make loans for the costs of establishing programs for the provision of housing for recovering alcohol and substance abusers Under this law, recovering individuals will have the opportunity to develop a new alcohol and drug-free lifestyle The legislature also finds that the State needs to establish this revolving fund to be in compliance with P L 100-690 and thereby not endanger approximately $7,000,000 it receives in federal mental health and substance abuse anti-drug abuse grants

The purpose of this Act is to establish within the department of health a revolving fund to comply with P L 100-690 and to support recovering alcohol and drug abusers in developing an alcohol and drug-free lifestyle

SECTION 2 Chapter 334, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows

"**§334- Revolving fund for group homes for recovering substance abusers.** There is established a revolving fund to make loans for the cost of establishing programs for the provision of housing in which individuals recovering from alcohol or drug abuse may reside in groups of not less than four individuals Funds deposited in this revolving fund shall be expended in accordance with Public Law 100-690, section 2036 or any subsequent related laws All moneys withdrawn from the fund for such purpose shall be reimbursed or restored

thereto, so far as may be, out of moneys received or collected from the loans made through this fund and shall then be available for further use."

SECTION 3. New statutory material is underscored.[1]

SECTION 4. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 178 S.B. NO. 3111

A Bill for an Act Relating to Respite Care at Waimano Training School and Hospital.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 333F-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"<u>"Respite care" means a service provided in a least restrictive environment for short term care to meet the needs, ranging from simple to complex, of persons with developmental disabilities or mental retardation. The purpose of respite care is to avoid, if possible, the necessity for long term institutional care or to provide relief to families and care providers.</u>"

SECTION 2. Section 333F-2, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Programs of the department may include, but shall not be limited to:

(1) Early identification and evaluation of persons with developmental disabilities or mental retardation;
(2) Development, planning and implementation in coordination with other federal, state, and county agencies, of service programs for persons with developmental disabilities or mental retardation;
(3) Development and provision of service programs in the public or private sectors through chapter 42, for persons with developmental disabilities or mental retardation;
(4) Establishment of a continuum of comprehensive services and residential alternatives in the community so as to allow persons with developmental disabilities or mental retardation to live in the least restrictive, individually appropriate environment;
(5) Development and implementation of a program for single entry access by persons with developmental disabilities or mental retardation to services provided under this chapter as well as referral to and coordination with services provided in the private sector or under other federal, state, or county acts, including case management, and development of an individualized service plan by an interdisciplinary team;
(6) Collaborative and cooperative services with public health and other groups for programs of prevention of developmental disabilities or mental retardation;
(7) Informational and educational services to the general public and to lay and professional groups;

(8) Consultative services to the judicial branch of government, to educational institutions, and to health and welfare agencies whether such agencies are public or private,
(9) Provision of community residential alternatives for persons with developmental disabilities or mental retardation, including group homes and homes meeting ICF/MR standards, [and]
(10) Provision of other programs, services, or facilities necessary to provide a continuum of care for persons with developmental disabilities or mental retardation[ ], and
(11) Development and maintenance of respite services in the community for persons with developmental disabilities or mental retardation."

SECTION 3 Section 333F-10, Hawaii Revised Statutes is amended to read as follows

"**[[[§333F-10]]] Standards for admission to Waimano training school and hospital.** (a) No person shall be voluntarily admitted to Waimano training school and hospital except upon recommendation of an interdisciplinary team as reflected in the person's individualized service plan

(b) An interdisciplinary team which recommends voluntary admission to Waimano training school and hospital shall include, but not be limited to, a physician, a clinical psychologist, and a social worker, all qualified by professional training and experience to make the diagnosis of developmental disability or mental retardation and the findings necessary to determine that admission to Waimano training school and hospital is the proper, individually appropriate placement in the least restrictive environment available The interdisciplinary team's evaluation shall include the administration of psychological tests and psychological evaluations as an aid in the diagnosis of developmental disability or mental retardation, and the results of such tests shall be included in the individualized service plan The individualized service plan shall meet the requirements of section 333F-6

(c) The director may cause the person to be admitted to Waimano training school and hospital pursuant to the person's individualized service plan if the director determines there is no suitable alternative available which would be less restrictive than admission

(d) The department shall orient admissions into Waimano training school and hospital for persons with severe or profound mental retardation

(e) The director may under special circumstances provide respite care at Waimano training school and hospital, not to exceed thirty calendar days per client per year, to eligible clients in the community identified by the interdisciplinary team and whose respite care needs are documented in their individualized service plans Respite care at Waimano training school and hospital shall be limited to individuals with developmental disabilities for whom every reasonable alternative for respite care in community settings has been exhausted and respite care is unavailable Respite is not to be considered an admission or readmission to the institution "

SECTION 4 The department of health shall submit an annual report to the legislature at least twenty days before the convening of any regular session. The report shall include, but not be limited to, the progress of, findings, and recommendations for (1) the respite care program at Waimano training school and hospital, and (2) respite care programs in the community for persons with developmental disabilities or mental retardation

SECTION 5. New statutory material is underscored.[1]

SECTION 6. This Act shall take effect upon approval, and shall be repealed on June 30, 1995.

(Approved June 19, 1990.)

Note

1. So in original.

ACT 179 S.B. NO. 3233

A Bill for an Act Relating to Sports.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The State of Hawaii, which is known worldwide for its natural beauty and central location in the Pacific Basin, has the potential to become a mecca for national, regional, and international sports competition and the training of athletes. The establishment of a Hawaii sports authority would have a tremendous impact on the economy and the State's efforts to diversify the economic base with new industries that are socially and environmentally compatible.

Concomitant with the goal of Hawaii to attract national, regional, and international sporting events and the training of athletes is the need for additional sports and training facilities and programs to serve the requirements of seasoned world-class and novice athletes.

The purpose of this Act is to appropriate funds to the office of the state planning for a comprehensive study on the feasibility of the establishment of a Hawaii sports authority that will be responsible for the operation and management of the Aloha Stadium and other sports facilities of the State, with the exception of the sports facilities of the University of Hawaii and the planning, development, and construction of new state water and land-based sports facilities.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $100,000 or 0.0039 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. The office of state planning shall conduct a comprehensive study on the feasibility of establishing a Hawaii sports authority with jurisdiction over Aloha Stadium and other facilities of the State, excluding sports facilities of the University of Hawaii system. The study shall also include, but not be limited to, other related issues such as:

(1) The planning, development, and construction of sports facilities;
(2) Development of new sports or sports-related programs;
(3) New methods and mechanisms for the financing of sports facilities and programs;

(4) The consolidation of promotional and marketing programs of the State to attract new sporting events and to improve upon existing competitive and noncompetitive sporting events in Hawaii, and
(5) Recommended powers and jurisdiction of the proposed sports authority

The office of state planning shall submit a report on the comprehensive study to the legislature at least twenty days prior to the convening of the regular session of 1991

SECTION 4 There is appropriated out of the general revenues of the State of Hawaii the sum of $100,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the purposes of this Act

SECTION 5 The sum appropriated shall be expended by the office of state planning

SECTION 6 This Act shall take effect on July 1, 1990.

(Approved June 19, 1990.)

ACT 180 S B NO 3170

A Bill for an Act Relating to Developmental Disabilities Domiciliary Homes

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"**§321- Developmental disabilities domiciliary homes.** (a) The department of health is authorized to license developmental disabilities domiciliary homes for individuals with developmental disabilities or mental retardation who are unable to live independently and who require supervision or care, but do not require care by licensed nurses in a domiciliary setting

(b) For the purposes of this section, "developmental disabilities" shall be as defined under section 333E-2, and "mental retardation" shall be as defined under section 333F-1

(c) The director shall adopt rules regarding developmental disabilities domiciliary homes in accordance with chapter 91 which shall be designed to

(1) Establish criteria for licensure of homes, including inspections, registration, fees, qualifications of operators and staff, and other factors necessary to ensure the safe and appropriate operation of each home,
(2) Protect the health, safety, and civil rights of persons residing in the homes,
(3) Provide for plans of care which include community integration and training of persons residing in the licensed homes,
(4) Provide for the licensure of homes of up to five persons who are developmentally disabled or mentally retarded, and who are not related to the home operator or facility staff,
(5) Establish penalties for the failure to comply with any rule, and
(6) Establish criteria for training of operators and staff of any facility licensed under this section

(d) Rules adopted under this section shall be enforced by the director.

(e) The department shall maintain a registry of all facilities licensed under this section and a current inventory of vacancies to facilitate the placement of individuals in these facilities.

(f) The rate of payment for residents in the developmental disabilities domiciliary homes shall be determined on the same basis as domiciliary care homes as provided under section 346-53."

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $75,000, or 0.0029 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $75,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the purposes of this Act.

SECTION 4. The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 5. New statutory material is underscored.[1]

SECTION 6. This Act shall take effect upon its approval; provided section 3 shall take effect on July 1, 1990.

(Approved June 19, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 181 S.B. NO. 3246

A Bill for an Act Relating to the General Excise Tax.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to provide for the appropriate levy, assessment, and collection of the general excise tax on maintenance fee assessments paid to time share owners associations, commonly known as associations of interval owners. The legislature notes that many of the associations of interval owners have not paid the general excise tax since the statutory recognition of the associations by chapter 514E, Hawaii Revised Statutes. The general excise tax is paid through voluntary self-assessment. Consequently, the department of taxation did not become aware of the nonpayment of the tax until recently. Upon finding that many associations of interval owners had not been paying the appropriate general excise taxes, the department of taxation properly audited the associations and has proceeded to retroactively assess and collect the unpaid general excise taxes. The associations of interval owners, believing that they were not subject to the tax, objected to the retroactive assessments. The associations of interval owners also argued that their liability for retroactive

assessments would unfairly require payments of special assessments by their current interval owners

The legislature finds that the department of taxation is correct in its interpretation of the general excise tax law, and that the associations of interval owners should have paid the tax from their inception. Nevertheless, the legislature takes notice that retroactive assessments would require the associations of interval owners to either make special assessments unfair to current time share owners, or to seek payment from former owners.

The purpose of this Act is to alleviate this unique situation by preventing the retroactive assessment and collection of the general excise tax by the department of taxation, by:

(1) Allowing the refund and return of taxes, interest, or penalties collected from those associations of interval owners which did appropriately pay their general excise taxes, and

(2) Directing the department of taxation to levy the general excise tax on associations of interval owners on a prospective basis

SECTION 2. The department of taxation shall not levy, assess, or collect any tax imposed by section 237-13(10), Hawaii Revised Statutes, on amounts assessed and received by an association of interval owners established in accordance with section 514E-29, Hawaii Revised Statutes, in payment of maintenance fee assessments imposed by the association of interval owners, prior to July 1, 1990.

SECTION 3 An association of interval owners established in accordance with section 514E-29, Hawaii Revised Statutes, which prior to July 1, 1990, has paid over to the department of taxation taxes imposed by section 237-13(10), Hawaii Revised Statutes, may apply, within the limitation periods prescribed by section 237-40(d), Hawaii Revised Statutes, for a refund of that portion of the tax imposed on maintenance fee assessments, including any interest or penalty paid. The amount refunded shall be limited to the amounts paid over to the department of taxation and shall not include any interest provided by section 231-23(d), Hawaii Revised Statutes

SECTION 4 This Act shall take effect upon its approval

(Approved June 19, 1990)

ACT 182 S.B. NO 3403

A Bill for an Act Relating to Safety at State Beach Parks.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"**§46- State beach park lifeguard services.** Each county may provide lifeguard services for any state beach park where the number of swimmers using the beach may warrant a lifeguard, or where water hazards at the beach present a threat to public safety, provided that the county and the department of land and natural resources shall first mutually agree that those services are necessary for the particular beach "

SECTION 2. New statutory material is underscored.[1]

SECTION 3. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 183 S.B. NO. 1719

A Bill for an Act Relating to Transportation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that an integrated transportation system that services statewide needs and promotes safe, reliable, efficient, and convenient movement of people and goods is of vital concern to our island state and is central to Hawaii's economic development.

The legislature finds that it is imperative that initiatives are continued to slow the number of motor vehicles on our highways. The legislature further finds that mass transportation, or more specifically the transportation of individuals by bus or fixed rail rapid transit, is a very viable means of slowing the number of motor vehicles on our highways.

The legislature recognizes that the capital costs for the development of an efficient mass transportation system may be substantial and agrees that a reasonable distribution of financial responsibility between participating government and private parties is essential.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER
TRANSIT CAPITAL DEVELOPMENT FUND

§ **-1 Purpose.** The purpose of this chapter is to establish a transit capital development fund to assist the counties with the capital costs involved in developing mass transportation.

§ **-2 Definitions.** As used in this chapter unless the context otherwise requires:

"Mass transportation" means transportation by bus, rail, or other conveyance either publicly or privately owned, which provides general or special service to the public on a regular and continuing basis, excluding school buses, charter, or sightseeing service.

"Private source revenues" means all funds, concessions, development rights, or other assets of value contractually agreed upon with the county from sources other than state, county, or federal government as a result of, or for the purposes of, developing mass transportation.

"Transit fund" means the transit capital development fund created in section -3.

§ -3 **Transit capital development fund; establishment.** (a) There is created in the treasury of the State a special fund to be known as the transit capital development fund, into which shall be deposited each year and from time to time, moneys as shall be appropriated by the legislature All interest earned or accrued on moneys deposited in the transit fund shall become part of the transit fund The director of finance shall administer the transit fund and shall direct the comptroller to expend available moneys from the transit fund as provided by a development agreement between the executive branch of a county and the governor, subject to the disapproval of the legislature pursuant to section -5

(b) The transit fund shall be used solely to provide financial assistance to the counties for capital and construction costs, including costs related to acquiring land, reconstructing, improving, extending, equipping, or furnishing mass transportation Moneys in the transit fund shall not be used for operational costs for mass transportation

(c) Expenditures from the transit fund shall be limited to projects authorized by a development agreement between the executive branch of a county and the governor, subject to the disapproval of the legislature pursuant to section -5 and shall be subject to section 37-31

§ -4 **Matching requirements by the county.** Moneys from the transit fund shall be made available under this chapter provided the county obligates itself to match the amount of requested moneys dollar for dollar over the term of the project for the purpose for which the county is making the request For the matching requirements under this section, the county may use private source revenues, county revenues, or both, but shall not use any federal government funds

§ -5 **Projects; authorization.** (a) Any county by ordinance may authorize the executive branch of the county to enter into a development agreement with the governor, subject to the disapproval of the legislature for a mass transportation project, provided that the development agreement shall.

(1) Describe the type of mass transportation project, the areas to be served, and anticipated ridership,
(2) Provide a breakdown of costs and identify the anticipated funding sources including the amount being requested from the transit fund and the source of county matching funds, together with a phasing schedule of both costs and funding sources, and a breakdown of actions taken or required to be taken in order to provide for such matching funds,
(3) Provide a schedule of disbursements from the transit fund which shall be allowed,
(4) Provide a timetable for the development of the mass transportation project, and
(5) Provide for amendment at any subsequent time by mutual consent of the parties subject to legislative disapproval as provided in this section

(b) Any development agreement shall provide that the obligation to disburse moneys from the transit fund shall constitute a limited obligation payable solely from moneys on deposit in the transit fund and not otherwise The obligation to disburse moneys from the transit funds shall be subject to the availability of moneys in the transit fund from time to time and evidence, satisfactory to the director of finance, that the county has complied with the matching funds requirement of section -4 Such obligation shall not constitute a general obligation of the State or any agency or department thereof.

(c) The governor and the county shall submit the development agreement to the legislature. The legislature shall approve or disapprove the development agreement within sixty days of its first regular legislative session convened after receipt of the development agreement from the governor and the county. If the development agreement is not disapproved after the sixtieth day, it shall be deemed approved by the legislature.

§ **-6 Transit capital development fund; appropriation.** Each year beginning with fiscal year 1992 through fiscal year 2008, the legislature shall appropriate to the transit capital development fund created by section -3 the sum of $53,000,000 or so much as may be deemed necessary for the purpose of financially assisting counties for capital costs in developing mass transportation.

§ **-7 Private source adequacy; lapsing of funds.** If the director of finance determines that the private source revenues relating to any development agreement are inadequate, the director shall submit a report of such findings to the legislature. Upon legislative acceptance of the findings within sixty days of the first regular legislative session convened following the submittal of such findings, no additional moneys may be expended pursuant to such development agreements from the transit fund. Except that such limitation on the expenditure of moneys from the transit fund shall not occur prior to December 31, 1992. Any unencumbered moneys remaining in the transit fund at that time shall lapse to the general fund. The remaining terms and conditions of the development agreement shall remain in effect.

§ **-8 Reports.** The director of finance shall prepare and submit an annual report on the transit fund to the legislature forty-five days prior to the convening of each regular legislative session."

SECTION 3. Notwithstanding anything to the contrary in this Act or in any development agreement described in or authorized by this Act, it is the expressed intent of the legislature that nothing contained in this Act or in any development agreement described in or authorized by this Act shall be or shall create or shall be deemed to be or shall be deemed to create a general obligation of the State or any agency or department thereof.

SECTION 4. This Act shall take effect on July 1, 1990.

(Approved June 19, 1990.)

ACT 184 S.B. NO. 3128

A Bill for an Act Relating to Taxation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that in addition to continuing with the State's highway construction and maintenance program, it is imperative that initiatives be continued to decrease the number of motor vehicles on our highways. The legislature further finds that mass transportation, or more specifically the transportation of individuals by bus or fixed rail rapid transit, is a viable means of decreasing the number of motor vehicles on our highways. The legislature recognizes that capital costs for the development of an efficient bus or

fixed rail rapid transit system may be substantial and agree that a reasonable distribution of financial responsibility between participating government and private parties is essential

The city and county of Honolulu is in the process of developing a fixed rail rapid transit system for Oahu It is apparent that the city will not be able to absorb the estimated cost required to construct such a system, and that assistance from state, federal, and private sector sources is imperative In addition, the neighbor island counties presently have bus systems in operation and are in need of financial assistance to expand their systems by purchasing new buses

The legislature finds that the transit capital development fund, established pursuant to chapter , Hawaii Revised Statutes, is a viable method in which to assist the city and county of Honolulu in the development of a fixed rail rapid transit system and to assist the neighbor island counties in the enhancement of their present bus transportation systems

The legislature finds that the transit capital development fund will provide the city and county of Honolulu with an opportunity to finance the construction of a fixed rail rapid transit system with thirty-five per cent of the cost coming from state dollars, thirty per cent coming from federal dollars, and thirty-five per cent of the cost from private source revenues The legislature further finds that confirmation of the amount of private source revenues available to offset the construction costs of a fixed rail rapid transit system will not be known until formal proposals are sought In addition, the federal government has indicated that their anticipated thirty per cent contribution toward the construction costs for a fixed rail rapid transit system will not be authorized unless a confirmed, dedicated source of funding is established The legislature concludes that a complete and comprehensive financial plan for the development of a fixed rail rapid transit system is necessary to proceed with this much needed transportation improvement

The purpose of this Act is to authorize the counties to establish a general excise and use tax surcharge of one-half per cent for a maximum of ten years This surcharge shall only take effect in the event that private source revenues are insufficient to meet the county/private sector matching requirement pursuant to the transit capital development fund for the development of a fixed rail rapid transit system for Oahu This surcharge may also be used to fund mass transportation, infrastructure, and park needs for the counties of Maui, Kauai, and Hawaii

SECTION 2 Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"**§46- County general excise and use tax surcharge.** (a) Each county, except the county of Kalawao, may establish a general excise and use tax surcharge of one-half per cent Each county shall establish the general excise and use tax surcharge by ordinance adopted before October 1, 1992, which shall take effect on January 1, 1993, and remain in effect for ten years through December 31, 2002, unless earlier repealed, pursuant to subsection (c) No ordinance shall be adopted until the county has conducted a public hearing on the proposed ordinance. Notice of the public hearing shall be published in a newspaper of general circulation within the county at least twice within a period of thirty days immediately preceding the date of the hearing If a county fails to adopt a county general excise and use tax surcharge ordinance by October 1, 1992, the county shall not be covered by this section

(b) Each county shall notify the director of taxation within ten days after the county has adopted a general excise and use tax surcharge ordinance, and the

director of taxation shall levy, assess, collect, and otherwise administer the general excise and use tax surcharge for the taxable year beginning January 1, 1993, and for taxable years thereafter through December 31, 2002, as provided by chapters 237 and 238.

(c) The general excise and use tax surcharges received from the State by each county shall be used as follows:

(1) The city and county of Honolulu shall use the surcharges to develop a fixed rail rapid transit system. All private source revenues generated or pledged to develop a fixed rail rapid transit system that are received prior to the operation of the system shall be used as county matching funds for moneys requested from the transit capital development fund, pursuant to chapter , before surcharges may be used. The director of finance shall determine whether or not private sources are adequate to meet county matching requirements. The director of finance shall submit a report of the findings to the legislature. Upon legislative acceptance of the findings, within sixty days of the first regular legislative session convened following the submittal of the findings, no additional moneys may be expended from the transit fund; provided that:
   (A) Such limitation on the expenditure of moneys from the transit fund shall not occur prior to December 31, 1992; and
   (B) Private source revenues received prior to the operation of the system shall be committed to the funding of the fixed rail rapid transit system prior to any determination regarding the duration of the surcharge.
(2) All surcharges collected but not used for the purpose of developing a fixed rail rapid transit system shall be deposited into the state treasury to be returned to the taxpayers in the form of an income tax credit, the amount of the credit to be determined by law.
(3) The general excise and use tax surcharge shall be repealed upon the determination by the director of finance that all authorized capital costs of the fixed rail rapid transit system or county projects under paragraph (4) have been collected and distributed pursuant to chapter 248.
(4) The counties of Hawaii, Kauai, and Maui shall use the surcharges for public transportation systems, including mass transportation, sewage, or water development, and parks, including park operation, maintenance, infrastructure, or purchase.

(d) As used in this section:

"Capital costs" means nonrecurring costs required to construct a transit facility or system, including costs of land acquisition and development, acquiring of rights-of-way, planning, design, and construction, including equipping and furnishing the facility or system.

"Private source revenue" means all funds, concessions, development rights, or those assets of value contractually agreed upon with the county from sources other than state, county, or federal governments as a result of, or for the purposes of, developing mass transportation."

SECTION 3. Chapter 235, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§235- County surcharge excise tax credit.** If the collection of the county general excise and use tax surcharge starts on January 1, 1993, as provided in sections 46- , 237- , and 238- , then for taxable years beginning after

December 31, 1992, and ending before January 1, 2003, each resident individual taxpayer, who files an individual income tax return for a taxable year, and who is not claimed or is not otherwise eligible to be claimed as a dependent by another taxpayer for federal or Hawaii state individual income tax purposes, may claim a county surcharge excise tax credit in the amount computed under this section against the resident taxpayer's individual income tax liability for the taxable year for which the individual income tax return is being filed, provided that a resident individual who has no income or no income taxable under this chapter and who is not claimed or is not otherwise eligible to be claimed as a dependent by a taxpayer for federal or Hawaii state individual income tax purposes may claim this credit The amount of the credit shall be computed by multiplying a resident individual's adjusted gross income by sixty per cent and the product of that multiplication by 006, provided that if an individual is filing jointly with the individual's spouse their jointly determined adjusted gross income shall be used, provided further that the amount of the credit shall not exceed $450 nor be less than $18

(b) The tax credit under this section shall not be available to (1) any person who has been convicted of a felony and who has been committed to prison and has been physically confined for the full taxable year, (2) any person who would otherwise be eligible to be claimed as a dependent but who has been committed to a youth correctional facility and has resided at the facility for the full taxable year, or (3) any misdemeanant who has been committed to jail and has been physically confined for the full taxable year

(c) The tax credits claimed by a resident taxpayer pursuant to this section shall be deductible from the resident taxpayer's individual income tax liability, if any, for the tax year in which they are properly claimed If the tax credits claimed by a resident taxpayer exceed the amount of income tax payment due from the resident taxpayer, the excess of credits over payments due shall be refunded to the resident taxpayer, provided that tax credits properly claimed by a resident individual who has no income tax liability shall be paid to the resident individual.

(d) All claims for tax credits under this section, including any amended claims, must be filed on or before the end of the twelfth month following the close of the taxable year for which the credits may be claimed. Failure to comply with the foregoing provision shall constitute a waiver of the right to claim the credit "

SECTION 4 Chapter 237, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"**§237- County general excise and use tax surcharge; administration.** (a) The county general excise and use tax surcharge, upon the adoption of county ordinances under section 46- , shall be levied, assessed, and collected as provided in this section on all gross proceeds and gross income taxable under this chapter at the four per cent tax rate in such manner that the combined state general excise tax and the county general excise and use tax surcharge tax shall be four and one-half per cent in those counties adopting the surcharge All provisions of this chapter shall apply to the county general excise and use tax surcharge, and with respect to the surcharge, the director shall have all the rights and powers provided under this chapter In addition, the director of taxation shall have the exclusive rights and power to determine the county or counties in which a person is engaged in business and, in the case of a person engaged in business in more than one county, the director shall determine through apportionment or other means, that portion of the general excise and use tax surcharge attributable to business conducted in each county

(b) Each county general excise and use tax surcharge adopted pursuant to section 46- (a) shall be levied as of January 1, 1993, and shall continue for a period of ten years through December 31, 2002, or until earlier repealed.

(c) The county general excise and use tax surcharge shall be imposed on the gross proceeds or gross income of all written contracts that require the passing on of the taxes imposed under this chapter; provided that if the gross proceeds or gross income are received as payments after December 31, 1992, on contracts entered into before the effective date of this Act, and the written contracts do not provide for the passing on of increased rates of taxes, the county general excise and use tax surcharge shall not be imposed on the gross proceeds or gross income covered under the written contracts. The county general excise and use tax surcharge shall be imposed on the gross proceeds or gross income from all contracts entered into on or after the effective date of this Act whether or not the contract allows for the passing on of any tax or any tax increases.

(d) No county general excise and use tax surcharge shall be established on any:

(1) Gross income or gross proceeds taxable under this chapter at the one-half per cent tax rate;

(2) Gross income or gross proceeds taxable under this chapter at the 0.15 per cent tax rate; or

(3) Transactions, amounts, persons, gross income, or gross proceeds exempt from tax under this chapter.

(e) The director of taxation shall revise the general excise tax forms to provide for:

(1) The clear and separate designation of the imposition and payment of the county general excise and use tax surcharge; and

(2) The designation by the taxpayer of the county to which the county general excise and use tax surcharge payment is attributable, based on the county in which the surcharge was actually passed through to the consumer; provided that when the payment is attributable to more than one county, the taxpayer shall designate the amount of payment attributable to each respective county.

(f) All taxpayers who file on a fiscal year basis whose fiscal year ends after December 31, 1992, or after December 31, 2002, shall file a short period annual return for the period preceding January 1, 1993, or preceding January 1, 2003. Each fiscal year taxpayer shall also file a short period annual return for the period starting after December 31, 1992, and ending before January 1, 1994, and for the period starting after December 31, 2002, and ending before January 1, 2004.

All monthly, annual, and amended returns due under this chapter for any period preceding January 1, 2003, which are submitted to the department after December 31, 2002, shall include in payments submitted with the return any county general excise and use tax surcharge that may be due for the period preceding January 1, 2003."

SECTION 5. Chapter 238, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§238- County general excise and use tax surcharge; administration.** (a) The county general excise and use tax surcharge, upon the adoption of a county ordinance under section 46- , shall be levied, assessed, and collected as provided in this section on the value of property taxable under this chapter at the four per cent tax rate under section 238-2(3) in a manner that the combined state use tax and the county general excise and use tax surcharge shall be four and one-half

per cent in those counties adopting the surcharge. All provisions of this chapter shall apply to the county general excise and use tax surcharge. With respect to the surcharge, the director shall have all the rights and powers provided under this chapter. In addition, the director of taxation shall have the exclusive rights and power to determine the county or counties in which a person imports or purchases tangible personal property and, in the case of a person importing or purchasing tangible property in more than one county, the director shall determine through apportionment or other means, that portion of the general excise and use tax surcharge attributable to the importation or purchase in each county.

(b) Each county general excise and use tax surcharge shall be levied as of January 1, 1993, and shall continue for a period of ten years through December 31, 2002, or until earlier repealed.

(c) No county general excise and use tax surcharge shall be established upon any use taxable under this chapter at the one-half per cent tax rate or upon any use that is not subject to taxation or that is exempt from taxation under this chapter.

(d) The director of taxation shall revise the use tax forms to provide for:

(1) The clear and separate designation of the imposition and payment of the county general excise and use tax surcharge; and

(2) The designation by the taxpayer of the county to which the county general excise and use tax surcharge payment is attributable, based on the county in which the surcharge was actually passed through to the consumer; provided that when the payment is attributable to more than one county, the taxpayer shall designate the amount of payment attributable to each respective county.

(e) All taxpayers who file on a fiscal year basis whose fiscal year ends after December 31, 1992, or after December 31, 2002, shall file a short period annual return for the period preceding January 1, 1993, or preceding January 1, 2003. Each fiscal year taxpayer shall also file a short period annual return for the period starting after December 31, 1992, and ending before January 1, 1994, and for the period starting after December 31, 2002, and ending before January 1, 2004.

All monthly, annual, and amended returns due under this chapter for any period preceding January 1, 2003, which are submitted to the department after December 31, 2002, shall include in payments submitted with the return any county general excise and use tax surcharge that may be due for the period preceding January 1, 2003."

SECTION 6. Chapter 248, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§248- County general excise and use tax surcharge; disposition of proceeds.** (a) All county general excise and use tax surcharges collected by the director of taxation shall be paid into the state treasury each month within ten working days after collection, and shall be kept by the state director of finance in special accounts. Out of the county general excise and use tax surcharges paid into the state treasury special accounts, the state director of finance shall retain, from time to time, sufficient amounts to reimburse the State for the costs of assessment, collection, and disposition of the county general excise and use tax surcharge incurred by the State. Amounts retained shall be general fund realizations of the State.

(b) The costs of assessment, collection, and disposition of county general excise and use tax surcharges shall be withheld from payment to the several

counties by the State out of the county general excise and use tax surcharges collected for the current calendar year.

The costs of assessment, collection, and disposition of the county general excise and use tax surcharges shall be borne by each of the several counties in an amount proportional to the total amount of surcharges allocated to that county divided by the total amount of surcharges collected for the entire State for the preceding calendar year.

For the purpose of this section, the costs of assessment, collection, and disposition of the county general excise and use tax surcharges shall include any and all costs, direct or indirect, which are deemed necessary and proper to effectively administer this section and sections 237- and 238- . Costs include refunds or reductions of income taxes under section 235-110.7 attributable to the county general excise and use tax surcharge.

(c) After the deduction of the costs under subsection (b), the state director of finance shall pay the remaining balance on a monthly or quarterly basis to the director of finance for each county which has adopted a county general excise and use tax surcharge under section 46- . The payments shall be made as soon as possible after the county general excise and use tax surcharges have been paid into the state treasury special accounts, or after the disposition of any tax appeal, as the case may be. All county general excise and use tax surcharges collected shall be distributed by the state director of finance to the county in which the county general excise tax surcharge is generated and shall be a general fund realization of the county to be used for the purposes specified in section 46- by each of the several counties."

SECTION 7. Section 235-110.7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There shall be allowed to each taxpayer subject to the tax imposed by this chapter a capital goods excise tax credit which shall be deductible from the taxpayer's net income tax liability, if any, imposed by this chapter for the taxable year in which the credit is properly claimed.

The amount of the tax credit shall be determined by the application of the following rates against the cost of the eligible depreciable tangible personal property used by the taxpayer in a trade or business and placed in service within Hawaii after December 31, 1987. For calendar years beginning after: December 31, 1987, the applicable rate shall be three per cent; December 31, 1988, and thereafter, the applicable rate shall be four per cent[.], except that for the period January 1, 1993, through December 31, 2002, and if the county general excise and use tax surcharge is in effect the applicable rate shall be four and one-half per cent. For taxpayers with fiscal taxable years, the applicable rate shall be the rate for the calendar year in which the eligible depreciable tangible personal property used in the trade or business is placed in service within Hawaii.

In the case of a partnership, S corporation, estate, or trust, the tax credit allowable is for eligible depreciable tangible personal property which is placed in service by the entity. The cost upon which the tax credit is computed shall be determined at the entity level. Distribution and share of credit shall be determined by rules.

In the case of eligible depreciable tangible personal property for which a credit for sales or use taxes paid to another state is allowable under section 238-3(i), the amount of the tax credit allowed under this section shall not exceed the amount of use tax, and for the period January 1, 1993, through December 31, 2002, the amount of the county general excise and use tax surcharge, actually paid under chapter 238 relating to such tangible personal property.

If a deduction is taken under section 179 (with respect to election to expense certain depreciable business assets) of the Internal Revenue Code of 1954, as amended, no tax credit shall be allowed for that portion of the cost of property for which the deduction was taken."

SECTION 8. Section 235-110.7, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) As used in this section, the definition of section 38 property (with respect to investment in depreciable tangible personal property) as defined by section 48(a)(1)(A), (a)(1)(B), (a)(3), (a)(4), (a)(7), (a)(8), (a)(10)(A), (b), (c), (f), (l), (m), and (s) of the Internal Revenue Code of 1954, as amended as of December 31, 1984, is operative for the purposes of this section only.

As used in this section:

"Cost" means (1) the actual invoice price of the tangible personal property, or (2) the basis from which depreciation is taken under section 167 (with respect to depreciation) or from which a deduction may be taken under section 168 (with respect to accelerated cost recovery system) of the Internal Revenue Code of 1954, as amended, whichever is less.

"Eligible depreciable tangible personal property" is section 38 property as defined by the operative provisions of section 48 and having a depreciable life under section 167 or for which a deduction may be taken under section 168 of the federal Internal Revenue Code of 1954, as amended.

"Placed in service" means the earliest of the following taxable years:

(1) The taxable year in which, under the
   (A) Taxpayer's depreciation practice, the period for depreciation, or
   (B) Accelerated cost recovery system, a claim for recovery allowances, with respect to such property begins, or
(2) The taxable year in which the property is placed in a condition or state of readiness and availability for a specifically assigned function.

"Purchase" means an acquisition of property.

"Tangible personal property" means tangible personal property which is placed in service within Hawaii after December 31, 1987, and the purchase or importation of which resulted in a transaction which was subject to the imposition and payment of tax at the rate of four per cent, except that for the period January 1, 1993, through December 31, 2002, and if the county general excise and use tax surcharge is in effect the tax rate shall be four and one-half per cent, under chapter 237 or 238. "Tangible personal property" does not include tangible personal property which is an integral part of a building or structure or tangible personal property used in a foreign trade zone, as defined under chapter 212."

SECTION 9. Section 237-34, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) All monthly and annual returns shall be transmitted to the office of the taxation district in which the privilege upon which the tax accrued is exercised. [Where the privilege is exercised in more than one taxation district the returns shall be transmitted to the office of the first taxation district.]"

SECTION 10. Section 238-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) For purposes of the taxes due under [section] sections 238-2(3)[,] and 238-__, every seller having in the State, regularly or intermittently, any property,

tangible or intangible, any place of business, or any representation as hereinabove defined, (and irrespective of the seller's having or not having qualified to do business in the State) shall, if the seller makes sales of property for use in the State (whether or not the sales are made in the State) collect from the purchaser the [tax] taxes imposed by [section] sections 238-2(3) and 238- on the use of the property so sold by the seller. The collection shall be made within twenty days after the accrual of the tax or within such other period as shall be fixed by the director of taxation upon the application of the seller, and the seller shall give to the purchaser a receipt therefor in the manner and form prescribed by the director; provided that this subsection shall not apply to vehicles registered under section 286-50."

SECTION 11. The State shall enter into a development agreement with the city and county of Honolulu for the development of a fixed rail rapid transit system by November 15, 1991. The terms of the development agreement shall be as described in a bill establishing the transit capital development fund, in any form passed by the legislature, regular session of 1990. This development agreement shall be submitted to the legislature for review by December 1, 1991. The legislature may disapprove the development agreement by concurrent resolution during the 1992 regular session.

SECTION 12. Statutory material to be repealed is bracketed. New statutory material is underscored.[1]

SECTION 13. This Act shall take effect upon its approval only if a bill establishing the transit capital development fund, in any form passed by the legislature, regular session of 1990, becomes an Act, and shall remain in effect until December 31, 2002, except that if no development agreement is submitted to the legislature by December 1, 1991, or if the legislature disapproves the development agreement, pursuant to section 11 of this Act, the provisions of this Act shall be repealed; and except that the provisions of section 9 shall take effect on January 1, 1991.

(Approved June 19, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 185 H.B. NO. 1148

A Bill for an Act Relating to Taxation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to share with the counties revenues generated by the transient accommodations tax.

SECTION 2. Chapter 237D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§237D- Remittances; distribution to counties. (a) All remittances of taxes imposed under this chapter shall be made by cash, bank drafts, cashier's check, money order, or certificate of deposit to the office of the taxation district to which the return was transmitted.

(b) For the fiscal year beginning July 1, 1990, and for each fiscal year thereafter, revenues collected under this chapter shall be distributed as follows five per cent of the revenues collected under this chapter shall be retained by the State to be used for the costs of assessment, collection, and disposition of the transient accommodations under this chapter Of the remainder, Kauai county shall receive 14 5 per cent, Hawaii county shall receive 18 6 per cent, city and county of Honolulu shall receive 44 1 per cent, and Maui county shall receive 22 8 per cent

All transient accommodations taxes shall be paid into the state treasury each month within ten days after collection, and shall be kept by the state director of finance in special accounts for distribution as provided in this subsection, provided that, all taxes levied and assessed under this chapter for periods before July 1, 1990, but collected after June 30, 1990, shall be state realizations

(c) On or before January or July 1 of each year or after the disposition of any tax appeal with respect to an assessment for periods after June 30, 1990, the state director of finance shall compute and pay the amount due as provided for in subsection (b) to the director of finance of each county to become a general realization of the county expendable as such, except as otherwise provided by law "

SECTION 3 Section 237D-1, Hawaii Revised Statutes, is amended by amending the definition of "gross rental" or "gross rental proceeds" to read as follows

" "Gross rental" or 'gross rental proceeds" means the gross receipts, cash or accrued, of the taxpayer received as compensation for the furnishing of transient accommodations and the value proceeding or accruing from the furnishing of such accommodations without any deductions on account of the cost of property or services sold, the cost of materials used, labor cost, taxes, royalties, interest, discounts, or any other expenses whatsoever Every taxpayer shall be presumed to be dealing on a cash basis unless the taxpayer proves to the satisfaction of the department of taxation that the taxpayer is dealing on an accrual basis and the taxpayer's books are so kept, or unless the taxpayer employs or is required to employ the accrual basis for the purposes of the tax imposed by chapter 237 for any taxable year in which event the taxpayer shall report the taxpayer's gross income for the purposes of this chapter on the accrual basis for the same period

The words "gross rental" or "gross rental proceeds" shall not be construed to include the amounts of taxes imposed by chapter 237 or this chapter on operators of transient accommodations and passed on, collected, and received from the consumer as part of the receipts received as compensation for the furnishing of transient accommodations Where transient accommodations are furnished through arrangements made by a travel agency or tour packager at noncommissionable negotiated contract rates and the gross income is divided between the operator of transient accommodations on the one hand and the travel agency or tour packager on the other hand, gross rental or gross rental proceeds to the operator means only the respective portion allocated or distributed to the operator, and no more For purposes of this definition, where the operator maintains a schedule of rates for identifiable groups of individuals, such as kamaainas, upon which the accommodations are leased, let, or rented, gross rental or gross rental proceeds means the receipts collected and received based upon the scheduled rates and recorded as receipts in its books and records "

SECTION 4. Section 237D-6, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

"**§237D-6 Return and payments; [remittance;] penalties.** (a) On or before the last day of each calendar month, every operator taxable under this chapter during the preceding calendar month shall file a sworn return with the director in such form as the director shall prescribe[.] together with a remittance for the amount of the tax in the form required by section 237D- . Sections 237-30[, 237-31,] and 237-32 shall apply to returns[, remittances,] and penalties made under this chapter to the same extent as if the sections were set forth specifically in this section."

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.[1]

SECTION 6. This Act shall take effect on July 1, 1990.

(Approved June 19, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 186 S.B. NO. 2376

A Bill for an Act Relating to Tax Credits.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Article VII, section 6, of the Constitution of the State of Hawaii requires the legislature to provide a tax refund or tax credit when certain factors are met. The legislature finds that these factors have been met for the ninth year in a row and that the legislature is constitutionally required to give a tax credit or a tax refund.

The purpose of this Act is to provide for an income tax credit of $60 to the people of the State to satisfy constitutionally mandated requirements.

SECTION 2. (a) In addition to the excise tax credit allowed under section 235-55.5, Hawaii Revised Statutes, and in addition to any other credit allowed under chapter 235, Hawaii Revised Statutes, there shall be allowed each resident individual taxpayer who qualifies under section 235-55.5(a), Hawaii Revised Statutes, a general income tax credit of $60 which shall be deducted from income tax liability computed under chapter 235, Hawaii Revised Statutes. The general income tax credit of $60 shall be multiplied by the number of qualified exemptions as defined in section 235-55.5(c), Hawaii Revised Statutes, to which the taxpayer is entitled, regardless of adjusted gross income. Section 235-55.5(c), Hawaii Revised Statutes, to the contrary notwithstanding, such qualified exemption shall have been a resident of the State as defined in section 235-1, Hawaii Revised Statutes, for at least nine months whether or not such qualified resident was physically in the State for nine months. For the purposes of this section, multiple exemptions shall not be granted for this credit because of age, or deficiencies in vision, hearing, or other disability. The general income tax credit allowed under this section shall be deducted from income tax liability for the taxable year 1990. Section 235-55.5(d) and (e), Hawaii Revised Statutes, is

applicable to this section and incorporated herein to the extent not in conflict with this section

As used in this Act, any reference to section 235-55.5, Hawaii Revised Statutes, shall be to that section as it existed on January 1, 1990

(b) The credit under this section shall not be available to (1) any person who has been convicted of a felony and who has been committed to prison and has been physically confined for the full taxable year, (2) any person who would otherwise be eligible to be claimed as a dependent but who has been committed to a youth correctional facility and has resided at the facility for the full taxable year, or (3) any misdemeanant who has been committed to jail and has been physically confined for the full taxable year

(c) This section implements the provisions of Article VII, section 6, of the State of Hawaii Constitution, enacted by the 1978 Constitutional Convention, which states as follows:

"DISPOSITION OF EXCESS REVENUES

Section 6 Whenever the state general fund balance at the close of each of two successive fiscal years exceeds five percent of general fund revenues for each of the two fiscal years, the legislature in the next regular session shall provide for a tax refund or tax credit to the taxpayers of the State, as provided by law."

SECTION 3 This Act shall take effect upon its approval

(Approved June 19, 1990)

ACT 187 S B NO 2597

A Bill for an Act Relating to Income Taxation

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 235-55 8, Hawaii Revised Statutes, is amended to read as follows

"**§235-55.8 [Food] Food/excise tax credit.** (a) Each resident individual taxpayer, who files an individual income tax return for a taxable year, and who is not claimed or is not otherwise eligible to be claimed as a dependent by another taxpayer for federal or Hawaii state individual income tax purposes, may claim a [food] food/excise tax credit [of $45] against the resident taxpayer's individual income tax liability for the taxable year for which the individual income tax return is being filed, provided that a resident individual who has no income or no income taxable under this chapter and who is not claimed or is not otherwise eligible to be claimed as a dependent by a taxpayer for federal or Hawaii state individual income tax purposes may claim this credit [The food tax credit of $45 shall be multiplied by the number of qualified exemptions to which the taxpayer is entitled]

(b) Each resident individual taxpayer may claim tax credits in the amount indicated in this subsection

(1) A tax credit of $55 multiplied by the number of qualified exemptions to which the taxpayer is entitled, provided that no additional tax credit shall be claimed because of age;

(2) In addition to the amount of the credit allowed under paragraph (1), the taxpayer may claim an additional tax credit for each adjusted gross income bracket as shown in the schedule below multiplied by the number of qualified exemptions to which the taxpayer is entitled; provided that each taxpayer sixty-five years of age or over may claim double the tax credit:

TAX CREDIT SCHEDULE

Adjusted Gross Income	Tax Credit
Under $ 6,000	$55
$ 6,000 under $ 8,000	45
8,000 under 10,000	35
10,000 under 12,000	25
12,000 under 15,000	20
15,000 under 20,000	15
20,000 under 30,000	10
Over $30,000	0

provided that a husband and wife filing separate tax returns for a taxable year for which a joint return could have been filed by them shall claim only the tax credit to which they would have been entitled under paragraph (2) had a joint return been filed and may each claim $55 under paragraph (1).

[(b)] (c) For the purposes of this section, a qualified exemption is defined to include those exemptions permitted under this chapter; provided that a person for whom exemption is claimed has physically resided in the State for more than nine months during the taxable year; and provided further that multiple exemptions shall not be granted because of [age,] deficiencies in vision or hearing, or other disability. For purposes of claiming the credit only, a minor child receiving support from the department of human services of the State, social security survivor's benefits, and the like, may be considered a dependent and a qualified exemption of the parent or guardian.

[(c)] (d) The tax credit under this section shall not be available to (1) any person who has been convicted of a felony and who has been committed to prison and has been physically confined for the full taxable year; (2) any person who would otherwise be eligible to be claimed as a dependent but who has been committed to a youth correctional facility and has resided at the facility for the full taxable year; or (3) any misdemeanant who has been committed to jail and has been physically confined for the full taxable year.

[(d)] (e) The tax credits claimed by a resident taxpayer pursuant to this section shall be deductible from the resident taxpayer's individual income tax liability, if any, for the tax year in which they are properly claimed. If the tax credits claimed by a resident taxpayer exceed the amount of income tax payment due from the resident taxpayer, the excess of credits over payments due shall be refunded to the resident taxpayer; provided that tax credits properly claimed by a resident individual who has no income tax liability shall be paid to the resident individual; and provided further that no refunds or payment on account of the tax credits allowed by this section shall be made for amounts less than $1.

[(e)] (f) All claims for tax credits under this section, including any amended claims, must be filed on or before the end of the twelfth month following the close of the taxable year for which the credits may be claimed. Failure to comply with the foregoing provision shall constitute a waiver of the right to claim the credit.

[(f) This section shall not be effective after December 31, 1990.]"

SECTION 2 Section 235-55 5, Hawaii Revised Statutes, is repealed.

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 4 This Act, upon its approval, shall apply to taxable years beginning after December 31, 1989

(Approved June 19 1990)

Note

1 Edited pursuant to HRS §23G-16 5

ACT 188 S B NO 1148

A Bill for an Act Relating to Revocation of Driver's License

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $150,000, or 0 0059 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 2 Too many traffic fatalities and injuries are caused by drunk drivers in Hawaii despite the stiff criminal penalties for driving under the influence of alcohol provided in section 291-4 of the Hawaii Revised Statutes Even with vigorous enforcement by county police and prosecutors, alcohol-related driving offenses and injuries continue to increase while, ironically, guilty parties, including the most serious repeat offenders, go on driving until they are found guilty in a court of law Since criminal prosecution may take several months or longer due to crowded court calendars and other factors, dangerous and irresponsible drivers, who have been caught and arrested, continue to jeopardize our citizenry while awaiting trial Accordingly, the legislature finds that driving under the influence of alcohol poses a very real and serious danger to the safety and welfare of the people of this State and requires stronger measures to ensure that people who drink do not drive and that those who do are taken off the road promptly Therefore, the purposes of this Act are to

(1) Provide safety for all persons using the highways of this State by quickly revoking the driving privilege of those persons who have shown themselves to be safety hazards by driving with an excessive concentration of alcohol in their bodies or who have refused to submit to testing for the presence of alcohol in their bodies,

(2) Guard against the potential for an erroneous deprivation of the driving privilege by providing an opportunity for an administrative hearing which shall commence prior to the effective date of the revocation and an opportunity for judicial review after the revocation becomes effective,

(3) Prevent any relicensing of a person following the revocation period until the person has applied for and met the requirements for issuance of a new license; and
(4) Provide under certain circumstances that a person adjudicated for driving under the influence of intoxicating liquor attach an ignition interlock system to the person's car to prevent the person from driving while under the influence.

SECTION 3. Chapter 286, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE

§286- Definitions. As used in this part, unless the context otherwise requires:

"Administrative revocation" means termination of the arrestee's license pursuant to this part and does not include any revocation imposed under section 291-4.

"Alcohol enforcement contact" means any administrative revocation ordered pursuant to this part; any driver's license suspension or revocation imposed by this or any other state or federal jurisdiction for refusing to submit to a test for alcohol concentration in the person's blood; or any conviction in this or any other state or federal jurisdiction for driving, operating, or being in physical control of a motor vehicle while having an unlawful concentration of alcohol in the blood, or while under the influence of alcohol.

"Arrestee" means the person arrested for violation of section 291-4 who is subject to administrative revocation pursuant to this part.

"Blood alcohol concentration" means either grams of alcohol per one hundred mililiters of blood or grams of alcohol per two hundred ten liters of breath.

"Certified substance abuse counselor" means any person certified by the department of health pursuant to section 321-193(10), or any other substance abuse specialist or medical practitioner the director of health may appoint to carry out the functions of a certified substance abuse counselor under this part.

"Director" means the administrative director of the courts or any other person within the judiciary appointed by the director to conduct administrative reviews or hearings or carry out other functions relating to administrative revocation under this part.

"Ignition interlock system" means a mechanical device certified by the director of transportation which, when affixed to the ignition system of a motor vehicle, prevents the vehicle from being started without first testing a deep-lung breath sample which indicates that the blood alcohol concentration of the vehicle's operator is less than .10 and which has been approved for use pursuant to section 321-161 and rules adopted thereunder.

"License" means any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this State and includes:

(1) Any temporary license or instruction permit;
(2) The privilege of any person to drive a motor vehicle regardless of whether the person holds a valid license;
(3) Any nonresident's operating privilege; and
(4) The eligibility, including future eligibility, of any person to apply for the privilege to drive a motor vehicle.

"Motor vehicle" has the same meaning as in section 286-2, except that it specifically includes a "moped" as defined in that section

"Nonresident's operating privilege" means the privilege conferred by law upon a nonresident to operate a motor vehicle in this State

"Notice of administrative revocation" or "notice" means the written notice issued to the arrestee by the arresting officer pursuant to this part

"State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S Virgin Islands, American Samoa, Guam, any province of the Dominion of Canada, and the Commonwealth of the Northern Mariana Islands, except when the word, in context, clearly refers to the State of Hawaii

"Temporary permit" means a temporary permit, issued by an arresting officer concurrently with a notice of administrative revocation, under which an arrestee may continue to drive for thirty days or until such time as the director may establish under this part

§286- Notice of administrative revocation; effect. As used in this part, the notice of administrative revocation

(1) Establishes that the arrestee's driving privilege in this State shall be terminated thirty days after the date of arrest, and

(2) Establishes the date on which administrative revocation proceedings against the arrestee were initiated

§286- Criminal prosecution. (a) Criminal prosecution under section 291-4 may be commenced concurrently with administrative revocation proceedings under this part, provided that if, after an administrative hearing, the director does not determine by a preponderance of the evidence that the arrestee drove, operated, or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor, any charge then pending under section 291-4 arising from the same occurrence shall be dismissed without prejudice, provided further that a charge that has been dismissed may be reinstituted if the director's determination is reversed on judicial review and no further review is available If the director finds for the arrestee and no charge under section 291-4 is then pending, prosecution for an offense under section 291-4 arising from the same occurrence may not thereafter be commenced unless the director's determination is reversed on judicial review and no further review is available

(b) If criminal charges are filed under section 291-4, administrative proceedings may continue and the record of the administrative proceedings, including sworn statements and other evidence or information relating to the administrative cause for action, shall be made available to the prosecuting attorney

(c) When a person's license is revoked under this part and the person also is convicted of an offense under section 291-4 on the basis of actions arising out of the same occurrence, the total period of revocation or suspension imposed in the two proceedings shall not exceed the longer period of revocation or suspension imposed in either proceeding

§286- Notice of administrative revocation; contents. (a) The notice of administrative revocation shall provide, at a minimum and in clear language, the following general information relating to administrative revocation

(1) The statutory authority for administrative revocation,

(2) An explanation of the distinction between administrative revocation and a revocation imposed under section 291-4,

(3) That criminal charges filed pursuant to section 291-4 may be prosecuted concurrently with the administrative action, and

(4) That if criminal charges are filed, information, evidence, and sworn statements obtained during the administrative proceedings shall be available to the prosecutor.

(b) The notice, when completed by the arresting officer and issued to the arrestee, shall contain at a minimum the following information relating to the arrest:

(1) Information identifying the arrestee;
(2) The specific violation for which the person was arrested;
(3) The date issued and the date the administrative revocation is scheduled to go into effect;
(4) That the arrestee was advised of the consequences of refusing to be tested for alcohol content of the blood and whether or not the arrestee consented to be tested;
(5) The expiration date of the temporary permit; and
(6) That the arrest will be administratively reviewed.

(c) The notice shall provide, at a minimum, the following information relating to the administrative review:

(1) That the review is automatic;
(2) That the arrestee has three days from the notice to demonstrate in writing that the administrative revocation should be reversed;
(3) The address or location where the arrestee may submit the evidence;
(4) That the arrestee is not entitled to be present or represented at the review; and
(5) That the review decision shall be mailed to the arrestee no later than eight days after the date of the arrest.

(d) The notice shall state that if the administrative revocation is reversed at review, the arrestee's license shall be returned along with a certified statement that the administrative revocation proceedings have been terminated without prejudice, but that the prosecution may request a redetermination of the decision by another review officer.

(e) The notice shall state that if the administrative revocation is sustained by the review, a decision shall be mailed to the arrestee containing, at a minimum, the following information:

(1) The reasons why the administrative revocation was sustained;
(2) That the arrestee is scheduled for an administrative hearing;
(3) The date, time, and place of the hearing;
(4) That failure to attend the hearing shall result in administrative revocation effective as indicated; and
(5) The duration of the administrative revocation and other conditions which may be imposed, including alcohol counseling, alcohol treatment, and installation of an ignition interlock system.

(f) The notice shall provide, at a minimum, the following information relating to administrative hearings:

(1) That the arrestee shall have five days from the date the review decision was mailed to agree or refuse to attend the hearing;
(2) That acceptance of the hearing shall entitle the arrestee to review and copy all relevant documents, including the arrest report and the sworn statements considered at the review, prior to the hearing;
(3) That the arrestee may be represented by an attorney, submit evidence, give testimony, present defense witnesses, and cross-examine prosecution witnesses; and
(4) That a written decision shall be mailed no later than five days after completion of the hearing.

(g) The notice shall state that if the administrative revocation is reversed at the hearing, the arrestee's license shall be returned along with a certified statement that the administrative revocation proceedings have been terminated subject to the judicial review provided under section 286-

(h) The notice shall state that if the administrative revocation is sustained at the hearing, a decision shall be mailed to the arrestee containing, at a minimum, the following information

(1) The effective date of the administrative revocation,
(2) The duration of the administrative revocation,
(3) Other conditions which may be imposed by law, and
(4) The right to obtain judicial review

(i) The notice shall state that refusal to appear at a hearing, failure to accept a hearing within the time period allowed by law, or failure to attend a hearing, shall result in administrative revocation effective on the date provided on the notice for the appropriate period provided by law

§286- Arrest; procedures. Whenever a person is arrested for a violation of section 291-4, on a determination by the arresting officer:

(1) That there was reasonable suspicion to stop the motor vehicle, or that the motor vehicle was stopped at an intoxication control roadblock established and operated in compliance with sections 286-162.5 and 286-162 6, and
(2) That there was probable cause to believe that the arrestee was driving, operating, or in actual physical control of the motor vehicle while under the influence of intoxicating liquor,

the arresting officer shall immediately take possession of any license held by the person and request the arrestee to take a test for concentration of alcohol in the blood The arresting officer shall then complete and issue to the arrestee a notice of administrative revocation and a temporary permit, retaining one copy of each for the arrest report

§286- Immediate restoration of license. If a test conducted in accordance with part VII of chapter 286 shows that the arrestee's blood alcohol concentration was less than 10, the director shall immediately return the arrestee's license along with a certified statement that administrative revocation proceedings have been terminated with prejudice

§286- Sworn statements of law enforcement officials. (a) Whenever a person is arrested for a violation of section 291-4 and submits to a test which establishes that the arrestee's blood alcohol concentration was 10 or more, the following shall be immediately forwarded to the director

(1) A copy of the arrest report and the sworn statement of the arresting officer stating facts which establish that
    (A) There was reasonable suspicion to stop the motor vehicle or the motor vehicle was stopped at an intoxication control roadblock established and operated in compliance with sections 286-162 5 and 286-162 6,
    (B) There was probable cause to believe that the arrestee had been driving, operating, or in actual physical control of the motor vehicle while under the influence of intoxicating liquor,
    (C) The arrestee was informed of the sanctions of this part, that criminal charges may be filed, and the probable consequences of refusing to be tested for concentration of alcohol in the blood, and

(D) The arrestee agreed to be tested;

(2) The sworn statement of the person responsible for maintenance and calibration of the testing equipment stating facts which establish that:

(A) The equipment used to conduct the test was approved for use as an alcohol testing device in this State;

(B) The person had been trained and at the time the test was conducted was certified and capable of maintaining and calibrating the testing equipment; and

(C) The testing equipment used had been properly maintained and calibrated and was in good working condition when the test was conducted;

(3) The sworn statement of the person who conducted the test stating facts which establish that:

(A) The person was trained and at the time the test was conducted was certified and capable of operating the testing equipment;

(B) The person followed the procedures established for conducting the test;

(C) The equipment used to conduct the test functioned correctly and indicated that the person's blood alcohol concentration was at, or above, the prohibited level; and

(D) The person tested was the person arrested;

(4) A copy of the notice of administrative revocation issued to the arrestee;

(5) A copy of the temporary permit issued to the arrestee;

(6) Any driver's license taken into possession by the arresting officer; and

(7) A listing of any prior alcohol enforcement contacts involving the arrestee.

(b) Whenever a person is arrested for a violation of section 291-4 and refuses to submit to a test to determine alcohol concentration in the blood, the following shall be immediately forwarded to the director:

(1) A copy of the arrest report and the sworn statement of the arresting officer stating facts which establish that:

(A) There was reasonable suspicion to stop the motor vehicle or the motor vehicle was stopped at an intoxication control roadblock established and operated in compliance with sections 286-162.5 and 286-162.6;

(B) There was probable cause to believe that the arrestee had been driving, operating, or in actual physical control of the motor vehicle while under the influence of intoxicating liquor;

(C) The arrestee was informed of the sanctions of this part, that criminal charges may be filed, and the probable consequences of refusing to be tested for concentration of alcohol in the blood; and

(D) The arrestee refused to be tested;

(2) A copy of the notice of administrative revocation and the temporary permit issued to the arrestee;

(3) Any driver's license taken into possession; and

(4) A listing of all alcohol enforcement contacts involving the arrestee.

§286- Administrative review; procedures. (a) A notice of administrative revocation shall be automatically reviewed by the director and a written decision

sustaining or reversing the notice shall be mailed to the arrestee no later than eight days after the date of notice

(b) The arrestee shall have the opportunity to demonstrate in writing that the administrative revocation should be reversed, and shall submit all such documentation within three days of the notice, either by mail or in person, to the director's office or to any office or address designated by the director for that purpose

(c)[1] In conducting the administrative review, the director shall consider.

(1) Any sworn or unsworn statement or other evidence provided by the arrestee,

(2) The breath or blood test results, if any, and

(3) The sworn statements of the law enforcement officials, and other evidence or information required by section 286- . If the director determines by a preponderance of the evidence that the arrestee drove, operated, or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor, or while having a blood alcohol concentration of 0.10 or more, and that the arresting officer had reasonable suspicion to stop the motor vehicle or the motor vehicle was stopped at an intoxication control roadblock established and operated in compliance with sections 286-162.5 and 286-162 6 and that there was probable cause to believe that the arrestee drove, operated, or was in actual physical control of the motor vehicle while under the influence of intoxicating liquor, the director shall sustain the notice of administrative revocation

(c)[1] If a preponderance of the evidence does not support administrative revocation, the director shall rescind the notice subject to review of the director's decision at an administrative hearing, if requested by the State.

(d) If the director sustains the notice of administrative revocation, an administrative hearing shall be scheduled to commence no later than twenty-five days subsequent to the notice The director shall mail to the arrestee and the appropriate county prosecutor a written decision stating the reasons for sustaining the notice of administrative revocation and indicating the date, time, and place of the hearing The decision shall also indicate that the arrestee has five days from the date the decision is mailed to agree or refuse to appear at the hearing, and inform the arrestee of the right to review and copy all relevant documents, including the arrest report and the sworn statements of the law enforcement officials, prior to the hearing Further, the decision shall state that the arrestee has the right to be represented by counsel at the hearing, submit evidence, give testimony, present witnesses, and cross-examine prosecution witnesses, including the arresting officer.

(e) Refusal to attend the hearing or failure of the arrestee to respond to the hearing notice within the time provided in subsection (d) shall cause the administrative revocation to go into effect as scheduled for the appropriate period provided by law The arrestee may regain the right to appear at the scheduled hearing only upon a showing made within an additional five-day period of good cause for failing to respond as required by law. In no event shall the temporary permit be extended due to the failure of the arrestee to respond to the hearing notice within the time provided

§286- Administrative hearing. (a) The party aggrieved by the director's decision at administrative review may request an administrative hearing to review the decision A request made by the arrestee shall be made as provided in section 286- A request made by the prosecution shall be made within five days of the date the administrative review decision is mailed The hearing shall be

scheduled to commence no later than twenty-five days from the notice of administrative revocation. The director may continue the hearing as provided in subsection (k).

(b) The hearing shall be held at a place designated by the director, as close to the location of the arrest as practical.

(c) The arrestee may be represented by counsel and the prosecuting attorney of the county in which the arrest occurred may appear on behalf of the State.

(d) The director shall conduct the hearing and have authority to:

(1) Administer oaths and affirmations;
(2) Examine witnesses and take testimony;
(3) Receive and determine the relevance of evidence;
(4) Issue subpoenas, take depositions, or cause depositions or interrogatories to be taken;
(5) Regulate the course and conduct of the hearing; and
(6) Make a final ruling.

(e) The issues before the director shall be whether:

(1) The arresting officer had reasonable suspicion to stop the motor vehicle or the motor vehicle was stopped at an intoxication control roadblock established and operated in compliance with sections 286-162.5 and 286-162.6;
(2) The arresting officer had probable cause to believe that the arrestee had been driving, operating, or was in actual physical control of the motor vehicle while under the influence of intoxicating liquor; and
(3) The arrestee drove, operated, or was in actual physical control of the motor vehicle while under the influence of intoxicating liquor or while having a blood alcohol concentration of .10 or more.

(f) The arrestee's prior alcohol enforcement contacts shall be entered into evidence.

(g) It shall be the burden of the prosecution to prove the issues before the director by a preponderance of the evidence.

(h) The sworn statements provided in section 286- shall be admitted into evidence. Upon notice to the director no later than five days prior to the hearing that the arrestee wishes to cross-examine a law enforcement official who made a sworn statement, the director shall issue a subpoena for the official to appear at the hearing. If the official cannot appear, the official may testify by telephone.

(i) The hearing shall be recorded in a manner to be determined by the director.

(j) The director's decision shall be rendered in writing and mailed to the arrestee no later than five days after the hearing. If the decision is to reverse the notice of administrative revocation, the director shall return the arrestee's license along with a certified statement that administrative revocation proceedings have been terminated subject to the judicial review provided under section 286- . If the decision sustains the notice of administrative revocation, the director shall mail to the arrestee a written decision indicating the duration of the administrative revocation and any other conditions or restrictions as may be imposed pursuant to section 286- .

(k) For good cause shown, the director may grant a continuance either of the commencement of the hearing or of a hearing that has already commenced. If a continuance is granted at the request of the director or the prosecution, the director shall extend the validity of the temporary permit for a period not to exceed the period of the continuance. If a continuance is granted at the request of the arrestee, the director shall not extend the validity of the temporary permit. For purposes of this section a continuance means a delay in the commencement

of the hearing or an interruption of a hearing that has commenced other than for recesses during the day or at the end of the day or week

(l) If the arrestee fails to appear at the hearing, administrative revocation shall be imposed for the appropriate period as provided by law.

§286- Judicial review; procedure. (a) Within thirty days after the director's hearing decision is made, the party aggrieved by the decision may file a petition for judicial review The petition shall be filed with the clerk of the district court in the district in which the offense occurred, together with proof of service by the petitioner on the respondent, and shall be accompanied by the required filing fee for civil actions The filing of the petition shall not operate as a stay of the administrative revocation No responsive pleading shall be required, and no court fees shall be charged for the respondent's appearance. The petition shall be appropriately captioned The petition shall state with specificity the grounds upon which the petitioner seeks rescission of the administrative decision

(b) The court shall schedule the judicial review as quickly as practicable, and the review shall be on the record of the administrative hearing without taking of additional testimony or evidence. If the petitioner fails to appear without just cause, the court shall find for the respondent

(c) The sole issues before the court shall be whether the director exceeded constitutional or statutory authority, erroneously interpreted the law, acted in an arbitrary or capricious manner, committed an abuse of discretion, or made a determination that was unsupported by the evidence in the record.

§286- Effective date and period of administrative revocation; criteria. (a) Unless an administrative revocation is rescinded or continued, it shall become effective on the day specified in the notice No license shall be restored under any circumstances and no conditional permit shall be issued during the administrative revocation period

(b) The periods of administrative revocation which may be imposed under this part are as follows.

(1) Three months, if the arrestee's driving record shows no prior alcohol enforcement contacts during the five years preceding the date of arrest,

(2) One year if the arrestee's driving record shows one prior alcohol enforcement contact during the five years preceding the date of arrest,

(3) Two years if the arrestee's driving record shows two prior alcohol enforcement contacts during the seven years preceding the date of arrest,

(4) For life if the arrestee's driving record shows three or more prior alcohol enforcement contacts during the ten years preceding the date of arrest, or

(5) For arrestees under the age of eighteen years, the period remaining until the arrestee's eighteenth birthday, or for the appropriate revocation period provided in paragraphs (1) to (4) or in subsection (c), whichever is longer.

(c) The periods of administrative revocation provided in subsections (b)(1), (b)(2), and (b)(3) are minimum and shall not preclude the discretion of the director to impose a longer period, provided that the license of an arrestee who refuses to be tested and who is found to have been driving under the influence of intoxicating liquor shall be revoked under subsections (b)(1), (2), and (3) for a minimum period of six months, two years, and four years, respectively

(d) Whenever a license is administratively revoked under this part, the offender shall be referred to a certified substance abuse counselor for an assessment of the offender's alcohol abuse or dependence and the need for treatment. The counselor shall submit a report with recommendations to the director. If the counselor's assessment establishes that the extent of the offender's alcohol abuse or dependence warrants treatment, the director may so order. All costs for assessment and treatment shall be paid by the offender.

(e) In addition to the provisions of subsections (c) and (d), the director may order the person to install an ignition interlock system as a condition precedent to relicensing pursuant to section 286- or to driving under a conditional permit issued pursuant to section 286- .

(f) Alcohol enforcement contacts which occurred prior to the effective date of this part shall be counted in determining the administrative revocation period.

§286- **Notice to other states.** When a nonresident's driving privilege is administratively revoked under this part, the director shall notify, in writing, the officials in charge of traffic control or public safety in the nonresident's home state and in any other state in which the nonresident has driving privileges of the action taken in this State and shall return to the appropriate issuing authority in the other states any license seized under section 286- .

§286- **Administrative procedure act.** Neither the administrative review nor the administrative hearing provided under this part shall be subject to the contested case requirements of chapter 91. The availability of administrative review of an order of administrative revocation shall have no effect upon the availability of judicial review under this part.

§286- **Conditional permits.** (a) If an arrestee subject to administrative revocation under this part has no prior alcohol enforcement contacts, the director may, at the request of the arrestee at the administrative hearing, issue a conditional permit allowing the arrestee to drive after a minimum period of absolute license suspension of thirty days if one or more of the following conditions are met:

(1) The arrestee is gainfully employed in a position that requires driving and will be discharged if the arrestee's driving privileges are administratively revoked; or

(2) The arrestee has no access to alternative transportation and therefore must drive to work or to a substance abuse treatment facility or counselor for treatment ordered by the director under section 286- .

(b) A request made pursuant to subsection (a)(1) shall be accompanied by:

(1) A sworn statement from the arrestee containing facts establishing the arrestee's current employment in a position that requires driving, and that the arrestee will be discharged if not allowed to drive; and

(2) A sworn statement from the arrestee's employer establishing that the employer will in fact discharge the arrestee if the arrestee is prohibited from driving.

(c) A request made pursuant to subsection (a)(2) shall be accompanied by a sworn statement by the arrestee attesting to the specific facts upon which the request is based, which statement shall be verified by the director.

(d) A conditional permit may include restrictions allowing the arrestee to drive

(1) Only during hours of employment for activities solely within the scope of the employment
(2) Only during daylight hours, or
(3) Only for specified purposes or to specified destinations

In addition the director may impose any other appropriate restrictions, including installation of an ignition interlock system

(e) The duration of the conditional permit shall be determined on the basis of the criteria set forth in section 286- (b) and (c)

(f) If the arrestee violates the conditions imposed under this section, the conditional permit shall be rescinded and administrative revocation shall be immediate for the appropriate period authorized by law

§286- Eligibility for relicensing To be eligible for relicensing after a period of administrative revocation has expired, the person shall

(1) Submit proof to the director of compliance with all conditions imposed by the director or by the court,
(2) Obtain a certified statement from the director indicating eligibility for relicensing,
(3) Present the certified statement to the appropriate licensing official,
(4) Pay all applicable fees, and
(5) Successfully complete each requirement for obtaining licensure in this State

§286- Computation of time. The time in which any act provided in this part is to be done is computed by excluding the first day and including the last, unless the last day is a Sunday or holiday, and then it is also excluded "

SECTION 4 Section 286-126, Hawaii Revised Statutes, is amended to read as follows

"**§286-126 Period of suspension or revocation.** Unless otherwise provided by law a court of competent jurisdiction shall not suspend a license for a longer period than [one year] five years, and when a court has revoked a license, the examiner of drivers shall not in any event grant an application for a new license until the expiration of one year after the date of the revocation "

SECTION 5 Section 286-151, Hawaii Revised Statutes, is amended to read as follows

"**§286-151 Implied consent of driver of motor vehicle or moped to submit to testing to determine alcoholic content of blood.** (a) Any person who operates a motor vehicle or moped on the public highways of the State shall be deemed to have given consent, subject to this part, to a test approved by the director of health of the person's breath or blood for the purpose of determining the alcoholic content of the person's blood

(b) The test or tests shall be administered at the request of a police officer having [reasonable grounds] probable cause to believe the person driving or in actual physical control of a motor vehicle or moped upon the public highways is under the influence of intoxicating liquor or drugs only after (1) a lawful arrest, and (2) the person has been informed by a police officer of the sanctions [of section 286-155] under part of this chapter

(c) If there [are reasonable grounds] is probable cause to believe that a person is in violation of section 291-4, then [such] the person shall have the option to take a breath or blood test, or both, for the purpose of determining the alcoholic content of that person's blood."

SECTION 6. Section 286-159, Hawaii Revised Statutes, is amended to read as follows:

"**§286-159 Proof of refusal; admissibility.** If a legally arrested person refuses to submit to a test of the person's breath or blood, [proof] evidence of refusal shall be admissible only in a hearing under [section 286-156] part of this chapter and shall not be admissible in any other action or proceeding, whether civil or criminal."

SECTION 7. Section 291-4, Hawaii Revised Statutes, is amended to read as follows:

"**§291-4 Driving under the influence of intoxicating liquor.** (a) A person commits the offense of driving under the influence of intoxicating liquor if:

(1) The person operates or assumes actual physical control of the operation of any vehicle while under the influence of intoxicating liquor[;], meaning that the person concerned is under the influence of intoxicating liquor in an amount sufficient to impair the person's normal mental faculties or ability to care for oneself and guard against casualty; or

(2) The person operates or assumes actual physical control of the operation of any vehicle with [0.10] .10 per cent or more, by weight of alcohol in the person's blood.

(b) A person committing the offense of driving under the influence of intoxicating liquor shall be sentenced as follows without possibility of probation or suspension of sentence:

(1) For a first offense, or any offense not preceded within a five-year period by a conviction under this section, by:
   (A) A fourteen-hour minimum alcohol abuse rehabilitation program including education and counseling, or other comparable program deemed appropriate by the court; and
   (B) Ninety-day prompt suspension of license with absolute prohibition from operating a motor vehicle during suspension of license, or the court may impose, in lieu of the ninety-day prompt suspension of license, a minimum thirty-day prompt suspension of license with absolute prohibition from operating a motor vehicle and, for the remainder of the ninety-day period, a restriction on the license that allows the person to drive for limited work-related purposes and to participate in alcoholism treatment programs[;], and which may require installation of an ignition interlock system as defined in section 286- ; and
   (C) Any one or more of the following:
      (i) Seventy-two hours of community service work; or
      (ii) Not less than forty-eight hours and not more than thirty days of imprisonment; or
      (iii) A fine of not less than $150 but not more than $1,000.

(2) For an offense which occurs within five years of a prior conviction under this section:

(A) Prompt suspension of license for a period of one year with the absolute prohibition from operating a motor vehicle during suspension of license,

(B) Either one of the following

(i) Not less than eighty hours of community service work, or

(ii) Not less than forty-eight consecutive hours but not more than sixty days of imprisonment[,] of which at least forty-eight hours shall be served consecutively, and

(C) A fine of not less than $500 but not more than $1,000

(3) For an offense which occurs within five years of two prior convictions under this section, by

(A) A fine of not less than $500 but not more than $1,000,

(B) Revocation of license for a period not less than one year but not more than five years, and

(C) Not less than ten days but not more than one hundred eighty days imprisonment[ ] of which at least forty-eight hours shall be served consecutively

(4) Notwithstanding any other law to the contrary, any conviction for driving under the influence of intoxicating liquor, shall be considered a prior conviction

(c) Whenever a court sentences a person pursuant to [section 291-4(b)(2) or (3),] subsection (b), it shall also require that the offender be referred to a substance abuse counselor who has been certified pursuant to section 321-193 for an assessment of the offender's alcohol abuse or dependence and the need for appropriate treatment The counselor shall submit a report with recommendations to the court The court may require the offender to obtain appropriate treatment if the counselor's assessment establishes the offender's alcohol abuse or dependence

All cost for [such] assessment or treatment or both shall be borne by the offender

(d) Notwithstanding any other law to the contrary, whenever a court revokes a person's driver's license pursuant to the provisions of this section, the examiner of drivers shall not grant to [such] the person an application for a new driver's license for [such] a period [as specified] to be determined by the court

(e) Any person sentenced under this section may be ordered to reimburse the county for the cost of any blood tests conducted under section 286-152 The court shall order the person to make restitution in a lump sum, or in a series of prorated installments, to the police department, or other agency incurring the expense of the blood test [1]

(f) As used in this section the terms "driver," "driver's license," and "examiner of drivers," shall have the same meanings as provided in section 286-2, and the term "vehicle' shall have the same meaning as provided in section 291C-1 "

SECTION 8 Section 291-4 5, Hawaii Revised Statutes, is amended to read as follows

"[[§291-4.5[[Driving after license suspended or revoked for driving under the influence of intoxicating liquor; penalties. (a) No person whose driver's license has been revoked, suspended, or otherwise restricted pursuant to part of chapter 286 or section [286-155 or] 291-4 shall operate a motor vehicle either upon the highways of this State while [such] the person's license remains suspended[,] or revoked[,] or in violation of the restrictions placed on the person's license [Any

person convicted of violating this section shall be sentenced to a term of imprisonment of at least three consecutive days but not more than thirty days, and[1] shall be fined not less than $250 but not more than $1,000, and that person's driver's license shall be suspended or revoked for an additional period of one year. The court for good cause may extend imprisonment up to sixty days.] The period of suspension or revocation shall commence upon the release of the person from the period of imprisonment imposed pursuant to this section.

(b) Any person convicted of violating this section shall be sentenced as follows:

(1) For a first offense, or any offense not preceded within a five-year period by a conviction under this section:
   (A) A term of imprisonment at least three consecutive days but not more than thirty days;
   (B) A fine not less than $250 but not more than $1,000; and
   (C) License suspension or revocation for an additional year;
(2) For an offense which occurs within five years of a prior conviction under this section:
   (A) Thirty days imprisonment;
   (B) A fine of $1,000; and
   (C) License suspension or revocation for an additional two years; and
(3) For an offense that occurs within five years of two or more prior convictions under this section:
   (A) One year imprisonment;
   (B) A $2,000 fine; and
   (C) Permanent revocation of the person's license."

SECTION 9. Section 321-161, Hawaii Revised Statutes, as amended to read as follows:

"**[[[§321-161]]] Chemical testing for blood-alcohol concentration.** (a) The department of health shall establish and administer a statewide program relating to chemical testing of blood-alcohol concentrations for the purposes of chapter 286, part [VII] , and chapters 291 and 291C, with the consultation of the state director of transportation. Under the program, appropriate procedures shall be established for specifying:

(1) The qualifications of personnel who administer chemical tests used to determine blood-alcohol concentrations;
(2) The procedures for specimen selection, collection, handling, and analysis; and
(3) The manner of reporting and tabulation of the results.

(b) The director of health may adopt rules and regulations pursuant to chapter 91 necessary for the purposes of this section."

SECTION 10. Sections 286-155, 286-156, and 286-157, Hawaii Revised Statutes, are repealed.

SECTION 11. Section 286-161, Hawaii Revised Statutes, is repealed.

SECTION 12. The department of transportation shall monitor the use of the ignition interlock system and not less than twenty days prior to the convening of each year's regular session, shall report to the legislature on the implementation, use, and effectiveness of ignition interlock systems.

SECTION 13 The Legislature finds that persons appointed by the director to make administrative reviews and conduct administrative hearings pursuant to this Act must be competent, impartial, knowledgeable about Hawaii's driving laws, and capable of conducting fair hearings and rendering accurate and timely decisions Determining the qualifications of such persons, appropriate remuneration, and establishing the methods by which such persons are selected, assigned to cases, and are administratively placed within the government or judicial system must therefore be done before this Act can be implemented.

The legislature further finds that appropriate implementation of this Act will require creation, printing, and distribution of several forms, and development of specific procedures

The director shall be authorized to assign as hearing officers for the administrative hearings provided for under this Act any available persons who are serving as regular or per diem district judges in the district courts. The director shall also provide for any necessary training for hearing officers who are appointed or assigned to conduct administrative hearings provided under this Act

The director shall report to the 1991 session of the legislature as to any further provisions or procedures which should or would be required in order to implement this Act on July 1, 1991

SECTION 14 There is appropriated out of the general revenues of the State of Hawaii the sum of $150,000, or so much thereof as may be necessary for fiscal year 1990-1991, to carry out the purposes of this Act The sum appropriated shall be expended by judiciary.

SECTION 15 Statutory material to be repealed is bracketed New statutory material is underscored [2]

SECTION 16 This Act shall take effect on July 1, 1991, provided that sections 13 and 14 shall take effect on July 1, 1990

(Approved June 19 1990)

Notes

1 So in original
2 Edited pursuant to HRS §23G-16 5

ACT 189 H B NO 2308

A Bill for an Act Relating to Youth Gangs

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that there is a growing youth gang problem in Hawaii This is evidenced by a statewide increase in gang membership as well as an increase in gang-related graffiti, violence, and criminal activity.

Because youth gang members are of school age, negative activities may impact school campuses as well It is reported that gang members distribute illegal drugs on campus It is also reported that members possess weapons and may be prone to violent behavior, endangering the safety and well-being of students as well as school personnel

Gang delinquency tends to appear in communities where the factors of poverty, adolescence, and social disorganization are present. Social disorganization is activated in communities that have a high rate of in-migration, in families that lack the skills or time to provide adolescents with the support and guidance they need, and in schools and communities which fail to offer the types of activities which foster in adolescents a sense of challenge, purpose, and belonging, and which fail to recognize and effectively assist youths who are at-risk. When youths turn to gangs for support and recognition, their destructive behavior is an expression of their desperate need for help from the social disorganization which they are facing.

Clearly, the existence of gangs is but a symptom of a larger set of problems which our communities are experiencing.

The legislature finds that the development of a coordinated youth gangs response system is essential to maintaining control of the gang situation. While this response system must be community-based, it must also be systemwide and linked to the schools, courts, parents, government, agencies, community organizations, and community leaders.

A coordinated gang response system includes:

(1) Effective intelligence and law enforcement;
(2) Sharing of information;
(3) Establishment of public awareness programs;
(4) Development of community and school-based intervention and prevention programs; and
(5) Evaluation and research.

The purpose of this Act is to provide for the development of a youth gangs response system coordinated by the department of the attorney general that incorporates the critical elements of law enforcement and intelligence, training and community awareness, community intervention, community prevention, information, and evaluation.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $1,856,743, or 0.073 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 3. Section 571-84, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The court shall maintain records of all cases brought before it. In proceedings under section 571-11, and in paternity proceedings under chapter 584, the following records shall be withheld from public inspection: the court docket, petitions, complaints, motions, and other papers filed in any case; transcripts of testimony taken by the court; and findings, judgments, orders, decrees, and other papers other than social records filed in proceedings before the court. The records other than social records shall be open to inspection by the parties and their attorneys, by an institution or agency to which custody of a minor has been transferred, by an individual who has been appointed guardian; with consent of the judge, by persons having a legitimate interest in the proceedings from the standpoint of the welfare of the minor; and, pursuant to order of the court or the rules of court, by persons conducting pertinent research studies,

and by persons, institutions, and agencies having a legitimate interest in the protection, welfare, [or] treatment, or disposition of the minor."

SECTION 4. Section 571-84, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Reports of social and clinical studies or examinations made pursuant to this chapter shall be withheld from public inspection, except that information from such reports may be furnished, in a manner determined by the judge, to persons and governmental and private agencies and institutions conducting pertinent research studies or having a legitimate interest in the protection, welfare, [and] treatment, or disposition of the minor."

SECTION 5. Section 806-73, Hawaii Revised Statutes, is amended to read as follows:

"§806-73 Duties and powers of probation officers; adult probation records. A probation officer shall investigate any case referred to the probation officer for investigation by the court in which the probation officer is serving and report thereon to the court. The probation officer shall instruct each defendant placed on probation under the probation officer's supervision regarding the terms and conditions of the defendant's probation. The probation officer shall keep informed concerning the conduct and condition of the defendant and shall report thereon to the court and shall use all suitable methods to aid the defendant and to bring about improvement in the defendant's conduct and condition. The probation officer shall keep [such] these records and perform [such] other duties as the court may direct.

All records of the Hawaii state adult probation divisions are confidential and are not public records, including but not limited to, all records made by any adult probation officer in the course of performing official duties, provided that [such] the records, or the content of [such] the records, shall be divulged only as follows:

(1) A copy of any adult probation division case record or of a portion of it, or the case record itself, may upon request be provided only to an adult probation officer of a Hawaii state adult probation division, provided that a written summary of the record may be provided upon request to any state or federal criminal justice agency which is providing supervision of a defendant or offender convicted and sentenced by the courts of Hawaii, or which is responsible for the preparation of a report for a court;

(2) The contents of any adult probation division case record relevant for the purpose of serving a summons or bench warrant in a civil or criminal proceeding or in a deportation proceeding[, including, but not limited to, contents indicating the whereabouts or residence of a defendant or offender], may be released only to a state or federal law enforcement agency;

(3) A copy of a presentence report or investigative report shall be provided only to the persons or entities named in section 706-604, to the Hawaii paroling authority, to any psychiatrist, psychologist, or other mental health practitioner who is treating the defendant pursuant to a court order for mental health care, to the intake service centers, in accordance with applicable law to persons or entities doing research, to any Hawaii state adult probation officer or to an adult probation officer of another state who is engaged in the supervision of a defendant or offender convicted and sentenced in

the courts of Hawaii, or which is engaged in the preparation of a report for a court regarding a defendant or offender convicted and sentenced in the courts of Hawaii.

Every probation officer shall, within the scope of the probation officer's duties, have the powers of a police officer."

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of $292,807, or so much thereof as may be necessary for fiscal year 1990-1991, for the continued development of:

(1) a statewide information system and information clearinghouse on youth gangs;
(2) public education on the youth gang problem;
(3) community support groups to help citizens confront and deal with the problem of youth gangs;
(4) a statewide training program for public citizens and government personnel who are involved or are in contact with youth gangs; and
(5) a statewide law enforcement task force focused on resolving youth gang criminal activities.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of $500,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the police department of the counties of Honolulu, Hawaii, Maui, and Kauai to monitor gang activities, and establish new gang prevention programs; provided that each county shall be allocated $125,000.

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of $50,000, or so much thereof as may be necessary for fiscal year 1990-1991, to commission the center for youth research of the University of Hawaii, to:

(1) assist the department of parks and recreation to plan and develop programs for targeted youth groups; and
(2) conduct a study of the activities offered to youths between 13 and 18 years of age by the department of parks and recreation for the city and county of Honolulu in the targeted communities of Ewa Beach/Makakilo; Waianae/Nanakuli; Waipahu; Kaneohe/Kailua/Waimanalo; Kalihi; Palolo; and Wahiawa.

The study shall focus on the following issues:

(1) Which facilities are under the jurisdiction of the department in the targeted areas and the kinds of recreational activities each facility can accommodate;
(2) How the department's facilities in the targeted areas are currently being utilized;
(3) Why additional activities for youths in the targeted age group are not being offered by the department and what would be required to offer more activities to this age group; and
(4) The feasibility of extending facility hours.

SECTION 9. There is appropriated out of the general revenues of the State of Hawaii the sum of $30,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the statewide expansion of the campus disturbance plan of the department of education. The sum appropriated shall be expended by the department of education.

SECTION 10. There is appropriated out of the general revenues of the State of Hawaii the sum of $225,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the department of education to continue the school based gang and drug prevention/intervention project initiated by the Honolulu Police Department in 1990 at Kalakaua and Dole Intermediate schools, and to expand the project to include Wahiawa Intermediate, Kailua Intermediate, Waipahu Intermediate, and Jarrett Intermediate Schools. Unexpended funds at the conclusion of the authorized expenditure period in this section will be used to expand this project statewide.

SECTION 11. There is appropriated out of the general revenues of the State of Hawaii the sum of $600,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the office of youth services to provide and develop prevention and intervention services and programs statewide for youth-at-risk. The sum appropriated shall be expended by the office of youth services.

SECTION 12. There is appropriated out of the general revenues of the State of Hawaii the sum of $66,000, or so much thereof as may be necessary for fiscal year 1990-1991, to commission the center for youth research of the University of Hawaii to conduct an evaluation of the youth gangs response system created by this Act. The sum appropriated shall be expended by the University of Hawaii.

SECTION 13. There is appropriated out of the general revenues of the State of Hawaii the sum of $92,936, or so much thereof as may be necessary for fiscal year 1990-1991, to the department of the attorney general to provide personnel, equipment, office space, and monitoring trips to the neighbor islands in its role as the overall coordinator of this Act.

SECTION 14. The unexpended and unencumbered balance of the appropriated sums shall not lapse until the close of business on June 30, 1992.

SECTION 15. The sums appropriated in sections 6, 7, 8, 10, and 13 shall be expended by the department of the attorney general for the purposes of this Act.

SECTION 16. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 17. This Act shall take effect on July 1, 1990.

(Approved June 19, 1990.)

ACT 190 S.B. NO. 2569

A Bill for an Act Making an Appropriation to Upgrade the Telecommunications System of the Honolulu Police Department.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there is a critical need to upgrade the telecommunications system of the Honolulu police department to enhance public and police officer safety.

This need is evidenced by the fact that the present communications system is overloaded, cumbersome to operate, does not permit field units to communicate with each other, and provides poor coverage in valleys and high-rise areas. There are insufficient noninterfering frequencies available in the present communications band to resolve these problems. This need is further evidenced by the overall growth of the population and the number of visitors to the island of Oahu, and the ever increasing number of calls for police assistance via the E-911 emergency telephone system.

The solution to these problems is to upgrade the existing system by acquiring a mobile data terminal (MDT) system and a trunking radio system. The MDT system will allow police officers to bypass the dispatcher and gain direct access to the computer data bank. The trunking system will overcome the limitations of the existing radio system and permit future growth. This telecommunications system could be instrumental in coordinating the response by county, state, and federal agencies to disaster or other emergency situations.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $250,000, or 0.0098 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $250,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the Honolulu police department to perform a study for the planning, engineering, installation, training, and implementation of a trunking radio system backbone and mobile data terminal system backbone, to be matched by the city and county of Honolulu.

SECTION 4. The sum appropriated shall be expended by the city and county of Honolulu for the purpose of this Act.

SECTION 5. This Act shall take effect on July 1, 1990.

(Approved June 19, 1990.)

ACT 191 S.B. NO. 2865

A Bill for an Act Relating to the Possession of Firearms.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 134-7, Hawaii Revised Statutes, is amended to read as follows:

"**§134-7 Ownership or possession prohibited, when; penalty.** (a) No person who is a fugitive from justice shall own, possess, or control any firearm or ammunition therefor.

(b) No person who is under indictment for, or has waived indictment for, or has been convicted in this State or elsewhere of having committed a felony, or

any crime of violence, or an illegal sale of any drug shall own, possess, or control any firearm or ammunition therefor

(c) No person who

(1) Is or has been under treatment for addiction to any dangerous, harmful, or detrimental drug, intoxicating compound as defined in section 712-1240, or intoxicating liquor,

(2) Has been committed pursuant to section 333F-9 or 333F-10,

(3) Has been acquitted of a crime on the grounds of mental disease, disorder, or defect pursuant to section 704-411, or

(4) Is or has been under treatment for significant behavioral, emotional, or mental disorders as defined by the most current diagnostic manual of the American Psychiatric Association or for treatment for organic brain syndromes, [or

(5) Is less than twenty-five years old and has been adjudicated by the family court to have committed a crime of violence that constitutes a felony offense under Title 37, the Hawaii Penal Code,]

shall own, possess, or control any firearm or ammunition therefor, unless the person has been medically documented to have been cured of the addiction, mental disease, disorder, or defect

(d) No person who is less than twenty-five years old and has been adjudicated by the family court to have committed a felony, two or more crimes of violence, or an illegal sale of any drug shall own, possess or control any firearm or ammunition therefor.

[(d)] (e) No minor who

(1) Is or has been under treatment for addiction to any dangerous, harmful, or detrimental drug, intoxicating compound as defined in section 712-1240, or intoxicating liquor,

(2) Is a fugitive from justice, or

[(3) Has been adjudicated by the family court to have committed a crime of violence that constitutes a felony offense under Title 37, the Hawaii Penal Code, or

(4)] (3) Has been determined not to have been responsible for a criminal act or has been committed to any institution on account of a mental disease, disorder, or defect,

shall own, possess, or control any firearm or ammunition therefor, unless the minor has been medically documented to have been cured of the addiction, mental disease, disorder, or defect.

For the purposes of enforcing this section, and notwithstanding section 571-84 or any other law to the contrary, any agency within the State shall make its records relating to family court adjudications available to law enforcement officials.

[(e)] (f) Any person disqualified from ownership, possession, or control of firearms and ammunition by this chapter shall dispose of all firearms and ammunition in compliance with this chapter

[(f)] (g) Any person violating subsection (a) or (b) shall be guilty of a class C felony, provided that any felon violating subsection (b) shall be guilty of a class B felony Any person violating subsection (c), (d), [or] (e),[1] or (f) shall be guilty of a misdemeanor "

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored

SECTION 3. This Act shall take effect upon its approval.

(Approved June 19, 1990)

Note

1. So in original.

ACT 192 S.B. NO. 1146

A Bill for an Act Relating to Assaults on Police Officers.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 707, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§707- Assault against a police officer.** (1) A person commits the offense of assault against a police officer if the person:

(a) Intentionally, knowingly, or recklessly causes bodily injury to a police officer who is engaged in the performance of duty; or

(b) Negligently causes, with a dangerous instrument, bodily injury to a police officer who is engaged in the performance of duty.

(2) Assault of a police officer is a misdemeanor. The court shall, at a minimum, sentence the person who has been convicted of this offense to imprisonment for no less than thirty days."

SECTION 2. New statutory material is underscored.[1]

SECTION 3. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 193 H.B. NO. 3265

A Bill for an Act Relating to Notice of Escape.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 706, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§706- Notice of escape.** (1) As used in this section, the following terms have the following meanings:

"Offense against the person" means any of the offenses described in chapter 707 and includes any attempt to commit any of those offenses.

"Prisoner" means a person who has been convicted of an offense against the person.

"Surviving immediate family member" means a person who is a surviving grandparent, parent, sibling, spouse, child, or legal guardian of a deceased victim.

"Victim" means the person who was the victim of the offense against the person for which the prisoner was convicted

(2) Upon written request, the department of public safety shall give notice of the escape of a prisoner, immediately following the escape, by the most reasonable and expedient means available, to each victim or a surviving immediate family member of the victim, through the victim witness assistance program in the county where the crime was committed

(3) Neither the failure of any state officer or employee to carry out the requirements of this section nor compliance with it shall subject the State, the officer, or employee to liability in any civil action. However, such failure may provide a basis for such disciplinary action as may be deemed appropriate by a competent authority "

SECTION 2 New statutory material is underscored.[1]

SECTION 3 This Act shall take effect upon its approval

(Approved June 19 1990)

Note

1 Edited pursuant to HRS §23G-16 5

ACT 194 S B NO 2605

A Bill for an Act Relating to Offenses Against Property Rights

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 708-802, Hawaii Revised Statutes, is amended to read as follows

"**§708-802[1] Property recovered in [burglary, theft, and related offenses.] offenses against property rights.** Identification of an item of property recovered for violation [of part II and IV] of chapter 708, may be made by photographing the item[s] and authentication of the content of the photograph Such photograph shall be deemed competent evidence of the item photographed and admissible in any proceeding, hearing, or trial for violation of the chapter

Provided, however, that nothing in this section shall be construed to limit or to restrict the application of Rule 901 of the Hawaii Rules of Evidence."

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved June 19 1990)

Note

1 So in original

ACT 195 H.B. NO. 2191

A Bill for an Act Relating to Weapons.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 134-1, Hawaii Revised Statutes, is amended by amending the definition of "automatic firearm" to read as follows:

" "Automatic firearm" means any firearm that shoots, is designed to shoot, or can be readily [restored] modified to shoot automatically more than one shot, without a[l] manual reloading, by a single function of the trigger. This term shall also include the frame or receiver of any such firearm, any part designed and intended solely and exclusively, or any combination of parts designed and intended, for use in converting a firearm into an automatic firearm, and any combination of parts from which an automatic firearm can be assembled if the parts are in the possession or under the control of a single person."

SECTION 2. Section 134-6, Hawaii Revised Statutes, is amended to read as follows:

"**§134-6 Possession or use of firearm in the commission of a felony; [Place] place to keep firearms; loaded firearms[l]; penalty.** (a) It shall be unlawful for a person to knowingly possess or intentionally use or threaten to use a firearm while engaged in the commission of a felony, whether the firearm was loaded or not, and whether operable or not.

[(a)] (b) Except as provided in sections 134-5 and 134-9, all firearms and ammunition shall be confined to the possessor's place of business, residence, or sojourn; provided that it shall be lawful to carry unloaded firearms or ammunition or both in an enclosed container from the place of purchase to the purchaser's place of business, residence, or sojourn, or between these places upon change of place of business, residence or sojourn, or between these places and the following: a place of repair; a target range; a licensed dealer's place of business; an organized, scheduled firearms show or exhibit; a place of formal hunter or firearm use training or instruction; or a police station. "Enclosed container" means a rigidly constructed receptacle, or a commercially manufactured gun case, or the equivalent thereof that completely encloses the firearm.

[(b)] (c) It shall be unlawful for any person on any public highway to carry on the person, or to have in the person's possession, or to carry in a vehicle any firearm loaded with ammunition; provided that the provision of this paragraph shall not apply to any person who has in the person's possession or carries a pistol or revolver and ammunition therefor in accordance with a license issued as provided in section 134-9.

[(c)] (d) Any person violating this section by possessing, using or threatening to use a firearm while engaged in the commission of a felony shall be guilty of a class A felony. Any person violating this section by carrying or possessing a loaded firearm or by carrying or possessing a loaded or unloaded pistol or revolver without a license issued as provided in section 134-9 shall be guilty of a class [C] B felony. Any person violating this section by carrying or possessing an unloaded firearm, other than a pistol or revolver, shall be guilty of a [misdemeanor] class C felony.[l]"

SECTION 3. Section 134-51, Hawaii Revised Statutes, is amended to read as follows:

"**§134-51 [Carrying deadly] Deadly weapons; prohibitions penalty.** (a) Any person not authorized by law, who carries concealed upon one's person or within any vehicle used or occupied by the person, or who is found armed with any dirk, dagger, blackjack, slug shot, billy, metal knuckles, pistol, or other deadly or dangerous weapon, shall be [fined a minimum of $500, and] more than $1,000 or imprisoned not more than one year, or both] guilty of a misdemeanor Any such person may be immediately arrested without warrant by any sheriff, police officer, or other officer or person Any weapon, above enumerated, shall, upon conviction of the one carrying or possessing same under this section, be summarily destroyed by the chief of police or sheriff

(b) Whoever knowingly possesses or intentionally uses or threatens to use a deadly or dangerous weapon while engaged in the commission of a crime shall be guilty of a class C felony "

SECTION 4 Section 134-52, Hawaii Revised Statutes, is amended to read as follows

"**[[§134-52 Switchblade knives; prohibitions; penalty.]]** (a) Whoever knowingly manufactures, sells, transfers, possesses, or transports in the State any switchblade knife, being any knife having a blade which opens automatically (1) by hand pressure applied to a button or other device in the handle of the knife, or (2) by operation of inertia, gravity, or both, shall be [fined not more than $1,000 or imprisoned not more than one year, or both] guilty of a misdemeanor

(b) Whoever knowingly possesses or intentionally uses or threatens to use a switchblade knife while engaged in the commission of a crime shall be guilty of a class C felony "

SECTION 5 Section 706-660 1, Hawaii Revised Statutes, is amended to read as follows

"**§706-660.1 Sentence of imprisonment for use of a firearm, semi-automatic firearm, or automatic firearm in a felony.** (a) A person convicted of a felony, where the person had a firearm in his possession or threatened its use or used the firearm while engaged in the commission of the felony, whether the firearm was loaded or not, and whether operable or not, may in addition to the indeterminate term of imprisonment provided for the grade of offense[s] be sentenced to a mandatory minimum term of imprisonment without possibility of parole or probation the length of which shall be as follows

(1) For murder in the second degree and attempted murder in the second degree - up to [15] fifteen years,
(2) For a class A felony - up to [10] ten years,
(3) For a class B felony - up to [5] five years, and
(4) For a class C felony - up to [3] three years

The sentence of imprisonment for a felony involving the use of a firearm as provided in the subsection shall not be subject to the procedure for determining minimum term of imprisonment prescribed under section 706-699, provided further that a person who is imprisoned in a correctional institution as provided in this subsection shall become subject to the parole procedure as prescribed in section 706-670 only upon the expiration of the term of mandatory imprisonment fixed under (a)(1), (2), (3), or (4), herein

(b) A person convicted of a second firearm felony offense as provided in subsection (a), herein, where the person had a firearm in his possession or threatened its use or used the firearm while engaged in the commission of the

felony, whether the firearm was loaded or not, and whether operable or not, shall in addition to the indeterminate term of imprisonment provided for the grade of offense be sentenced to a mandatory minimum term of imprisonment without possibility of parole or probation the length of which shall be as follows:

(1) For murder in the second degree and[1] attempted murder in the second degree - twenty years;
(2) For a class A felony - thirteen years, four months;
(3) For a class B felony - six years, eight months; and
(4) For a class C felony - three years, four months.

The sentence of imprisonment for a second felony offense involving the use of a firearm as provided in this subsection shall not be [exempted from] subject to the procedure for determining a[1] minimum term of imprisonment prescribed under section 706-669, provided further that a person who is imprisoned in a correctional institution as provided in this subsection shall become subject to the parole procedure as prescribed in section 706-670 only upon the expiration of the term of mandatory imprisonment fixed under (a)(1),[1] (2), (3), or (4), herein.

(c) A person convicted of a felony, where the person had a semi-automatic firearm or automatic firearm in his possession or used or threatened its use while engaged in the commission of the felony, whether the semi-automatic firearm or automatic firearm was loaded or not, and whether operable or not, shall in addition to the indeterminate term of imprisonment provided for the grade of offense be sentenced to a mandatory minimum term of imprisonment without possibility of parole or probation the length of which shall be as follows:

(1) For murder in the second degree and attempted murder in the second degree - twenty years;
(2) For a class A felony - fifteen years;
(3) For a class B felony - ten years; and
(4) For a class C felony - five years.

The sentence of imprisonment for a felony involving the use of a semi-automatic firearm or automatic firearm as provided in this subsection shall not be subject to the procedure for determining minimum term of imprisonment prescribed under section 706-669, provided further that a person who is imprisoned in a correctional institution as provided in this subsection shall become subject to the parole procedure as prescribed in section 706-670 only upon the expiration of the term of mandatory imprisonment fixed under (c)(1), (2), (3), or (4), herein.

[As used in this section, "firearm" has the meaning defined in section 134-1.]

(d) In this section:

(1) "Firearm" has the same meaning defined in section 134-1 except that it does not include "semi-automatic firearm" or "automatic firearm."
(2) "Automatic firearm" has the same meaning defined in section 134-1.
(3) "Semi-automatic firearm" means any firearm that uses the energy of the explosive in a fixed cartridge to extract a fired cartridge and chamber a fresh cartridge with each single pull of a trigger."

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

Note

1 So in original

ACT 196 H B NO. 2184

A Bill for an Act Relating to Gambling Aboard Ships

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Chapter 712, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§712- Promoting gambling aboard ships.** (a) A person commits the offense of promoting gambling aboard ships if he knowingly advances or profits from gambling activity by

(1) Managing, supervising, controlling, operating, or owning, either alone or in association with others, a gambling ship;

(2) Managing, supervising, controlling, operating, or owning, either alone or in association with others, any craft which embarks from any point within the State, and disembarks at the same or another point within the State, during which the person intentionally causes or knowingly permits gambling activity to be conducted, whether within or without the waters of the State, or

(3) Transporting, conveying, or carrying any person to any gambling ship or craft described in subsection (1)(b).[1]

(b) In this section

(1) "Craft" includes every boat, ship, vessel, barge, hulk, or other thing capable of floating, and

(2) "Gambling ship" means any craft kept, operated or maintained for the purpose of gambling, whether within or without the waters of the State, and whether it is anchored, moored, lying to, or navigating

(c) This section shall not apply to gambling activity conducted during travel from foreign nations or the continental United States to the point of first entry into State waters or during travel to foreign nations or the continental United States from the point of final exit from State waters, provided that nothing herein shall preclude prosecution for any other offense under this part

(d) Promoting gambling aboard ships is a class C felony."

SECTION 2 New statutory material is underscored.[2]

SECTION 3 This Act shall take effect upon its approval

(Approved June 19, 1990.)

Notes

1 So in original

2 Edited pursuant to HRS §23G-16.5

ACT 197 H.B. NO. 2183

A Bill for an Act Relating to Forfeiture.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Act 260, Session Laws of Hawaii 1988, is amended by amending section 7 to read as follows:

"SECTION 7. This Act shall take effect upon its approval; provided that on July 1, [1990] 1993, this Act shall be repealed and sections 842-3, 329-55, and 701-119, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day before the approval of this Act; provided further that the repeal of this Act shall not affect the rights and duties that matured, penalties that were incurred, property seizures that have been initiated, and properties that have been forfeited pursuant to this Act, and such rights, duties, penalties, seizures, and forfeitures shall be determined and adjudicated in accordance with the provisions of this Act."

SECTION 2. Section 712A-16, Hawaii Revised Statutes, is amended by amending subsection (6) to read as follows:

"(6) [The] Not less than twenty days prior to the convening of each regular session, the attorney general shall [annually] provide to the legislature [an accounting of the fund, all forfeited properties, the sale proceeds thereof, and the allocation of moneys to any agency pursuant to this section] a report on the use of the Hawaii omnibus criminal forfeiture act during the fiscal year preceding the legislative session. The report shall include:

(a) The total amount and type of property seized by law enforcement agencies;

(b) The total number of administrative and judicial actions filed by prosecuting attorneys and the disposition thereof;

(c) The total number of claims or petitions for remission or mitigation filed in administrative actions and the dispositions thereof;

(d) The total amount and type of property forfeited and the sale proceeds thereof;

(e) The total amount and type of property distributed to units of state and local government;

(f) The amount of money deposited into the criminal forfeiture fund; and

(g) The amount of money expended by the attorney general from the criminal forfeiture fund under subsection (5) and the reason for the expenditures."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval shall take effect on June 30, 1990.

(Approved June 19, 1990.)

ACT 198 H B NO 240

A Bill for an Act Relating to a Procedure to Break Ties in Election Results

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that the current elections law does not provide for certain means of resolving an election that results in a tie vote At the primary election on September 17, 1988, two Democratic party candidates each received 1,795 votes for the 39th district seat to the house of representatives Section 11-157, Hawaii Revised Statutes, provides for the resolution of such a tie by the drawing of lots under the supervision of the chief election officer, provided that the affected candidates agree, in writing, to the use of a lot. The law, however, is silent as to a procedure when the affected candidates fail to agree to the use of a lot

In the case of the 39th district race tie, the candidates did not agree on the use of a lot The state Democratic party petitioned the Hawaii supreme court for guidance, however, the supreme court would not decide on the matter noting that "[I]n the absence of necessary statutory law to determine the winner under the facts of the present case, a policy decision or 'political question' is raised which this court cannot properly determine " The lieutenant governor, lacking statutory authority to call a special election turned the matter over to the governor who subsequently declared that he would appoint a person to fill the vacancy which resulted from the tie vote and the absence of any other party nominee for the office

The absence of a statutory procedure to resolve the 39th district race tie caused unnecessary confusion The legislature believes that to avoid similar dilemmas in the future, the statutes should provide clear direction for the determination of a winner in case of a tie

This Act provides a certain and expeditious means for resolving a tie in the number of votes cast for two or more candidates in an election, without relying upon a run-off election with its inherent expense and delay The legislature specifically notes that its purpose is to provide a more effective means of resolving ties The legislature is aware of the holding in Travis v King, 552 F.Supp. 554 (D Haw 1982), disfavoring reliance upon registered voter counts to apportion election districts However, the purpose of this Act is to resolve ties, not to apportion districts Registered voter counts are used because they are readily available and otherwise reliable to serve as an objective means of ensuring the desired resolution Similarly, computation to the nearest hundred thousandths are used to maximize the likelihood of resolution

SECTION 2 Section 11-157, Hawaii Revised Statutes, is amended to read as follows

"§11-157 In case of tie. In case of the failure of an election by reason of the equality of vote between two or more candidates, the tie [may] shall be decided by [lot, under the supervision of] the chief election officer or county clerk in the case of county elections[When an election is decided by lot, the candidates shall agree in a signed statement to the use of a lot If the candidates agree, they shall be bound by the lot and shall not bring an election contest under part XI after the drawing of the lot Each candidate shall be present at the drawing of the lot together with two witnesses to be selected by the candidate] in accordance with the following procedure

(1) In the case of an election involving a seat for the senate, house of representatives, board of education, or county council where only voters within a specified district are allowed to cast a vote, the winner, shall be declared as follows:

(A) For each precinct in the affected district, an election rate point shall be calculated by dividing the total number of registered voters in that precinct by the total number of registered voters in the district. For the purpose of this subparagraph, the absentee votes cast for the affected district shall be treated as a precinct. The election rate point shall be calculated by dividing the total absentee votes cast for the affected district by the total number of registered voters in that district. All election rate points shall be expressed as decimal fractions rounded to the nearest hundred thousandth.

(B) The candidate with the highest number of votes in a precinct shall be allocated the election rate point calculated under subparagraph (A) for that precinct. In the event that two or more persons are tied in receiving the highest number of votes for that precinct, the election rate point shall be equally apportioned among those candidates involved in that precinct tie.

(C) After the election rate points calculated under subparagraph (A) for all the precincts have been allocated as provided under subparagraph (B), the election rate points allocated to each candidate shall be tallied and the candidate with the highest election rate point total shall be declared the winner.

(D) If there is a tie between two or more candidates in the election rate point total, the candidate who is allocated the highest election rate points from the greatest number of precincts shall be declared the winner.

(2) In the case of an election involving a federal office or an elective office where the voters in the entire State or in an entire county are allowed to cast a vote, the winner shall be declared as follows:

(A) For each representative district in the State or county, as the case may be, an election rate point shall be calculated by dividing the total number of registered voters in that representative district by the total number of registered voters in the State, county, or federal office district, as the case may be; provided that for purposes of this subparagraph:

(i) The absentee votes cast for a statewide, countywide, or federal office shall be treated as a separate representative district and the election rate point shall be calculated by dividing the total absentee votes cast for the statewide, countywide, or federal office by the total number of registered voters in the State, county, or federal office district, as the case may be.

(ii) The overseas votes cast for any election in the State for a federal office shall be treated as a separate representative district and the election rate point shall be calculated by dividing the total number of overseas votes cast for the affected federal office by the total number of registered voters in the affected federal office district. The term "overseas votes" means those votes cast by absentee

ballots for a presidential election as provided in section 15-3

All election rate points shall be expressed as decimal fractions rounded to the nearest hundred thousandth

(B) The candidate with the highest number of votes in a representative district shall be allocated the election rate point calculated under subparagraph (A) for that district. In the event that two or more persons are tied in receiving the highest number of votes for that district, the election rate point shall be equally apportioned among those candidates involved in that district tie

(C) After the election rate points calculated under subparagraph (A) for all the precincts have been allocated as prescribed under subparagraph (B), the election rate points allocated to each candidate shall be tallied and the candidate with the election rate point total shall be declared the winner

(D) If there is a tie between two or more candidates in the election rate point total, the candidate who is allocated the highest election rate points from the greatest number of representative districts shall be declared the winner."

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 4 This Act shall take effect upon its approval

(Approved June 19 1990)

ACT 199 H B NO 2052

A Bill for an Act Relating to Reapportionment

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 25-2, Hawaii Revised Statutes, is amended to read as follows

"**§25-2 Duties.** (a) [Legislative reapportionment] [The] Whenever possible, to the maximum extent possible, the commission shall reapportion the members of each house of the legislature among the basic island units and among the districts therein, redistricting where necessary, on the basis, method and criteria prescribed in Article IV of the Constitution Pursuant thereto, the commission shall conduct public hearings and consult with the apportionment advisory council of each basic island unit Not more than eighty days from the date on which all members are certified the commission shall cause to be published in a newspaper of general circulation in each basic island unit, a legislative reapportionment plan prepared and proposed by the commission At least one public hearing on the proposed reapportionment plan shall be held in each basic island unit after initial publication of the plan At least twenty days' notice shall be given of such public hearing The notice shall include a statement of the substance of the proposed reapportionment plan, and of the date, time and place where interested persons may be heard thereon The notice shall be published at least once in a newspaper of general circulation in the basic island

unit where the hearing will be held. All interested persons shall be afforded an opportunity to submit data, views, or arguments, orally or in writing, for consideration by the commission. After the last of such public hearings, but in no event later than one hundred fifty days from the date on which all members of the commission are certified, the commission shall determine whether or not the plan is in need of correction or modification, make the correction or modification, if any, and file with the chief election officer, a final legislative reapportionment plan. Within ten days after filing of the final reapportionment plan, the chief election officer shall cause to be published in a newspaper of general circulation in the State, the final legislative reapportionment plan which [shall], upon publication, shall become effective as of the date of filing and govern the election of members of the next five succeeding legislatures.

(b) [Congressional reapportionment.] At such times as may be required by the Constitution and as may be required by law of the United States, the commission shall redraw congressional district lines for the districts from which the members of the United States House of Representatives allocated to this State shall be elected. The commission shall first determine the total number of members to which the State is entitled and shall then apportion such members among single member districts in such manner that the average number of [registered voters per member] persons of the total population in each district shall be as nearly equal as practicable. In effecting such reapportionment and districting, the commission shall be guided by the following criteria:

(1) No district shall be drawn so as to unduly favor a person or political faction.
(2) Except in the case of districts encompassing more than one island, districts shall be contiguous.
(3) Insofar as practicable, districts shall be compact.
(4) Where possible, district lines shall follow permanent and easily recognized features such as streets, streams, and clear geographical features, and when practicable, shall coincide with census tract boundaries.
(5) Where practicable, state legislative districts shall be wholly included within congressional districts.
(6) Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.

Not more than eighty days from the date on which all members are certified, the commission shall cause to be published in a newspaper of general circulation in the State, a congressional reapportionment plan prepared and proposed by the commission. The commission shall conduct public hearings on the proposed plan in the manner prescribed under subsection (a). At least one public hearing shall be held in each basic island unit after initial publication of the plan. After the last of such public hearings, but in no event later than one hundred fifty days from the date on which all members of the commission are certified, the commission shall determine whether or not the plan is in need of correction or modification, make the correction or modification, if any, and file with the chief election officer, a final congressional reapportionment plan. Within ten days after filing of the final reapportionment plan, the chief election officer shall cause to be published in a newspaper of general circulation in the State, the final congressional reapportionment plan which [shall], upon publication, shall become effective as of the date of filing and govern the election of members of the United States House of Representatives allocated to this State for the next five succeeding congresses."

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon the effective date of necessary companion amendments to the Hawaii State Constitution, Article IV, Sections 4, 5, and 6

(Approved June 19 1990)

ACT 200 H B NO 2546

A Bill for an Act Relating to Methamphetamine

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Chapter 329, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows

"PART . PRECURSORS TO THE MANUFACTURE OF METHAMPHETAMINE

§329- Substances subject to reporting. Any manufacturer, wholesaler, retailer or other person who sells, transfers, or otherwise furnishes any of the following substances to any person in this State or for use in this State shall submit a report to the department of public safety of all such transactions

(1) Phenyl-2-propanone,
(2) Methylamine,
(3) Phenylacetic acid,
(4) Ephedrine,
(5) Pseudoephedrine,
(6) Norpseudoephedrine,
(7) Phenylpropanolamine,
(8) Hydriodic acid,
(9) Benzyl cyanide,
(10) Benzyl chloride,
(11) N-methylformamide,
(12) N-methylephedrine,
(13) N-ethylephedrine,
(14) N-ethylpseudoephedrine,
(15) N-methylpseudoephedrine,
(16) Chloroephedrine,
(17) Chloropseudoephedrine, and[1]

§329- Proper identification. (a) Any manufacturer, wholesaler, retailer, or other person who receives from a source outside of the State any substance specified in section 329- prior to selling, transferring, or otherwise furnishing any substance specified in section 329- to a person in this State, shall require proper identification from the purchaser

(b) For the purposes of this section, "proper identification" means a motor vehicle operator's license or other official state-issued identification of the purchaser which contains a photograph of the purchaser, the residential or mailing address of the purchaser other than a post office box number, or the tax map key number if no other address is available, the motor vehicle license

number of any motor vehicle owned or operated by the purchaser; a letter of authorization from the business for which any substance specified in section 329- is being furnished, which includes the general excise license number and address of the business; a full description of how the substance is to be used; and the signature of the purchaser. The person selling, transferring, or otherwise furnishing any substance specified in section 329- shall sign as a witness to the signature and identification of the purchaser.

(c) Any manufacturer, wholesaler, retailer or other person who does not obtain the proper identification as required by this section shall be fined not more than $5,000, or imprisoned not more than thirty days, or both.

§329- Report of transaction. (a) Any manufacturer, wholesaler, retailer, or other person who sells, transfers, receives, or brings in from outside the State, or otherwise furnishes a substance specified in section 329- for use by a person in this State, not less than twenty-one days prior to delivery of the substance, shall submit a report of the transaction, which includes the identification information specified in section 329- to the department of public safety. However, the department of public safety may authorize the submission of the reports on a monthly basis with respect to repeated, regular transactions between the furnisher and the recipient involving the same substance if the department of public safety determines that either of the following exist:

(1) A pattern of regular supply of the substance exists between the manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes the substance and the recipient of the substance; or

(2) The recipient has established a record of utilization of the substance for lawful purposes.

(b) The department of public safety shall provide a common reporting form for the substances in section 329- which contains at least the following information:

(1) Name of the substance;

(2) Quantity of the substance sold, transferred, or furnished;

(3) The date the substance was sold, transferred, or furnished;

(4) The name and address of the person buying or receiving the substance; and

(5) The name and address of the manufacturer, wholesaler, retailer, or other person selling, transferring, or furnishing such substance.

§329- Exceptions. This chapter shall not apply to any of the following:

(1) Any pharmacist or other authorized person who sells or furnishes a substance upon the prescription of a physician, dentist, podiatrist, or veterinarian;

(2) Any physician, dentist, podiatrist, or veterinarian who administers or furnishes a substance to patients;

(3) Any manufacturer or wholesaler licensed by the State who sells, transfers, or otherwise furnishes a substance to a licensed pharmacy, physician, dentist, podiatrist, or veterinarian; and

(4) Any sale, transfer, furnishing, or receipt of any drug which contains ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine and which is lawfully sold, transferred, or furnished over the counter without a prescription pursuant to the

federal Food, Drug, and Cosmetic Act (21 U S C Sec 301 et seq) or regulations adopted thereunder

§329- Penalty. (a) Any manufacturer, wholesaler, retailer or other person who does not submit a report as required by section 329- or who knowingly submits a report with false or fictitious information shall be fined not more than $5,000, or imprisoned not more than thirty days, or both

(b) Any manufacturer, wholesaler, retailer or other person who has previously been convicted of violating subsection (a), upon a subsequent conviction thereof, shall be fined not more than $100,000, or imprisoned not more than one year, or both

(c) Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of the substances listed in section 329- with knowledge or the intent that the recipient will use the substance to unlawfully manufacture methamphetamine shall be fined not more than $100,000, or imprisoned not more than five years, or both

§329- Theft, loss, and discrepancy reports. (a) The theft or loss of any substance regulated pursuant to section 329- discovered by any person regulated by this chapter shall be reported to the department of public safety within three days of the receipt of actual knowledge of the discrepancy

(b) Any report made pursuant to this section shall also include the name of the common carrier or person who transports the substance and date of shipment of the substance

§329- Permit for conduct of business; applications; forms; fees; renewal; violations. (a) Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any substance specified in section 329- for use by a person in this State or who receives from a source outside of the State any substance specified in section 329- shall obtain a permit for the conduct of that business from the department of public safety

(b) Applications for permits shall be filed in writing and signed by the applicant, and shall set forth the name of the applicant, the business in which the applicant is engaged, the business address of the applicant, and a full description of any substance sold, transferred, or otherwise furnished, or received

(c) The department of public safety may grant permits which shall be effective for not more than one year from the date of issuance Applications and permits shall be uniform through the State, on forms prescribed by the department of public safety

(d) Each applicant shall pay at the time of filing an application for a permit a fee determined by the department of public safety which shall not exceed the applications processing costs

(e) A permit granted pursuant to this chapter may be renewed one year from the date of issuance, and annually thereafter, upon the filing of a renewal application and the payment of a permit renewal fee not to exceed the application processing costs

(f) (1) Any manufacturer, wholesaler, retailer or other person who sells, transfers, or otherwise furnishes, or receives any substance specified in section 329- without a permit shall be fined not more than $5,000, or imprisoned not more than thirty days, or both, and

(2) Any manufacturer, wholesaler, retailer or other person who has previously been convicted of violating subsection 329- (a), upon a subsequent conviction thereof shall be fined not more than $100,000, or imprisoned not more than one year, or both

§329- Protection of records; divulging confidential information prohibited; penalties. (a) All records and information required under this chapter shall be kept confidential, provided that disclosure of records and information to authorized State and federal agencies is permissible.

(b) The department of public safety shall adopt and enforce rules as may be necessary to prevent improper acquisition or use of confidential information.

(c) Any manufacturer, wholesaler, retailer or other person, including one who is authorized to obtain information, who, knowing the information obtained is from confidential records or files, intentionally discloses the records or information other than authorized by law, or who intentionally or knowingly aids or abets in the inspection or disclosure of such records or information by any person not authorized to inspect such records and information, shall be imprisoned not more than thirty days or fined not more than $5,000, or both.

§329- Subpoena powers. Subject to the privileges which witnesses have in the courts of this State, the director or the director's designated subordinate is empowered pursuant to and in accordance with the rules of court to subpoena witnesses, examine them under oath and require the production of books, papers, documents or objects where the director reasonably believes the information sought is relevant or material to enforcement of this part. Books, papers, documents, or objects obtained pursuant to exercise of these powers may be retained by the director or the director's designate for a reasonable period of time for the purpose of examination, audit, copying, testing, or photographing. Upon application by the director, obedience to the subpoenas may be enforced by the circuit court in the county where the person subpoenaed resides or is found in the same manner as a subpoena issued by the clerk of a circuit court.

§329- Forfeiture. Precursor chemicals that are possessed, transferred, sold or offered for sale in violation of this part shall be subject to seizure and forfeiture as provided in Chapter 712A."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, or proceedings that commenced prior to its effective date.

SECTION 3. This Act shall take effect on January 1, 1991.

(Approved June 19, 1990.)

Note

1 So in original.

ACT 201 H.B. NO. 3286

A Bill for an Act Relating to Watershed Management.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 171-58, Hawaii Revised Statutes, is amended to read as follows:

"**§171-58 Minerals and water rights.** (a) Except as provided [herein,] in this section the right to any mineral or surface or ground water shall not be included in any lease, agreement, or sale, this right being reserved to the State;

provided that the board may make provisions in the lease, agreement, or sale, for the payment of just compensation to the surface owner for improvements taken as a condition precedent to the exercise by the State of any reserved rights to enter, sever, and remove minerals or to capture, divert, or impound water

(b) Disposition of mineral rights shall be in accordance with the laws relating to the disposition of mineral rights enacted or hereafter enacted by the legislature

(c) Disposition of water rights may be made by lease at public auction as provided in this chapter or by permit for temporary use on a month-to-month basis under [such] those conditions which will best serve the interests of the State and subject to a maximum term of one year and other restrictions under the law; provided that any disposition by lease shall be subject to disapproval by the legislature or by two-thirds vote of either the senate or the house of representatives or by majority vote of both, in any regular or special session next following the [dates] date of [such] disposition, provided further that after a certain land or water use has been authorized by the board subsequent to public hearings and conservation district use application and environmental impact statement approvals, water used in nonpolluting ways, for nonconsumptive purposes because it is returned to the same stream or other body of water from which it was drawn, essentially not affecting the volume and quality of water or biota in the stream or other body of water, [also] may also be leased by the board with the prior approval of the governor and the prior authorization of the legislature by concurrent resolution

(d) Any lease of water rights shall contain a covenant on the part of the lessee that the lessee shall provide from waters leased from the State under the lease or from any water sources privately owned by the lessee to any farmer or rancher engaged in irrigated pasture operations, crop farming, pen feeding operations, or raising of grain and forage crops, or for [such] those public uses and purposes as may be determined by the board, at the same rental price paid under the lease, plus the proportionate actual costs, as determined by the board, to make [such] these waters available, so much of the waters as are determined by the board to be surplus to the lessee's needs and for [such] that minimum period as the board shall accordingly determine, provided that in lieu of payment for [such] those waters as the State may take for public uses and purposes the board may elect to reduce the rental price under the lease of water rights in proportion to the value of the waters and the proportionate actual costs of making the waters available Subject to the applicable provisions of section 171-37(3), the board, at any time during the term of the lease of water rights, may withdraw from waters leased from the State and from sources privately owned by the lessee so much water as it may deem necessary to (1) preserve human life and (2) preserve animal life, in that order of priority, and that from waters leased from the State the board, at any time during the term of the lease of water rights, may also withdraw so much water as it may deem necessary to preserve crops, provided that payment for the waters shall be made in the same manner as provided [herein] in this section

(e) Any new lease of water rights shall contain a covenant that requires the lessee and the department of land and natural resources to jointly develop and implement a watershed management plan The board shall not approve any new lease of water rights without the foregoing covenant or a watershed management plan. The board shall prescribe the minimum content of a watershed management plan, provided that the watershed management plan shall require the prevention of the degradation of surface water and ground water quality to the extent that degradation can be avoided using reasonable management practices

(f) Upon renewal, any lease of water rights shall contain a covenant that requires the lessee and the department of land and natural resources to jointly develop and implement a watershed management plan. The board shall not renew any lease of water rights without the foregoing covenant or a watershed management plan. The board shall prescribe the minimum content of a watershed management plan; provided that the watershed management plan shall require the prevention of the degradation of surface water and ground water quality to the extent that degradation can be avoided using reasonable management practices."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

ACT 202 H.B. NO. 3357

A Bill for an Act Making an Appropriation for Medicaid Options.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there has long been a recognition that some state dollars currently spent on programs for the poor and uninsured could be replaced by federal medicaid dollars.

Additionally, there has been a trend toward increasing eligibility for medicaid in Hawaii, but little systematic analysis of effective eligibility options is available to the State.

The legislative auditor in a report entitled, Study and Plan for Maximizing Federal Medicaid Funds for Hawaii, evaluated the foregoing problems and made recommendations on how the State can maximize federal dollars in the Hawaii state medicaid program. The purpose of this bill is to ensure that the recommendations contained in the legislative auditor's report are implemented.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $55,000, or 0.002 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for in this Act.

SECTION 3. The department of human services shall:

(1) Adopt medicaid's targeted case management benefit to cover care coordination services furnished to a number of medically complex, developmentally disabled, mentally ill, and other high risk populations served by department of health programs;

(2) Permit medicaid coverage of occupational therapy and physical therapy services delivered to special education students under Hawaii's existing medicaid ancillary therapy benefit;

(3) Expand the State's medicaid definition of rehabilitation services to permit coverage of mental health services to students with emotional problems and to adults with severe emotional disability,
(4) Adopt medicaid coverage of certain public health nursing services under the independent licensed practitioner benefit,
(5) Assure that the department of health's claims to medicaid reimbursement for family planning services are made under the family planning category which provides substantially greater federal financial participation
(6) Increase the State's medicaid reimbursement rate for clinic services to reflect the actual service costs of providers and
(7) Require the department of health providers of services to bill medicaid for all medicaid-reimbursable services

SECTION 4 Section 346-14, Hawaii Revised Statutes, is amended to read as follows

"**§346-14 Duties generally.** Except as otherwise provided by law, the department of human services shall
(1) Establish and administer programs and standards, and adopt rules as deemed necessary for all public assistance programs,
(2) Establish, extend, and strengthen services for the protection and care of neglected children and children in danger of becoming delinquent
(3) Assist in preventing family breakdown,
(4) Place or cooperate in placing, neglected children in suitable private homes or institutions and place, or cooperate in placing, children in suitable adoptive homes,
(5) Have authority to establish, maintain and operate receiving homes for the temporary care and custody of neglected children until suitable plans are made for their care and accept from the police and other agencies, for temporary care and custody, any neglected child until satisfactory plans are made for the child,
(6) Administer the medical assistance programs for eligible public welfare and other medically needy individuals by establishing standards eligibility and health care participation rules payment methodologies reimbursement allowances, systems to monitor recipient and provider compliance and assuring compliance with federal requirements in order to maximize federal financial participation,
(7) Cooperate with the federal government in carrying out the purposes of the Social Security Act and in other matters of mutual concern pertaining to public welfare public assistance, and child welfare services, including the making of reports the adoption of methods of administration and the making of rules as are found by the federal government, or any properly constituted authority thereunder, to be necessary or desirable for the efficient operation of the plans for public welfare, assistance and child welfare services or as may be necessary or desirable for the receipt of financial assistance from the federal government,
(8) Carry on research and compile statistics relative to public and private welfare activities throughout the State, including those dealing with dependence, defectiveness, delinquency, and related problems

(9) Develop plans in cooperation with other public and private agencies for the prevention and treatment of conditions giving rise to public welfare problems;

(10) Adopt rules governing the procedure in hearings, investigations, recording, registration, determination of allowances, and accounting and conduct other activities as may be necessary or proper to carry out this chapter;

(11) Supervise or administer any other activities authorized or required by this chapter, including the development of the staff of the department through in-service training and educational leave to attend schools and other appropriate measures, and any other activities placed under the jurisdiction of the department by any other law;

(12) Make, prescribe, and enforce policies and rules governing the activities provided for in section 346-31 it deems advisable, including the allocation of moneys available for assistance to persons assigned to work projects among the several counties or to particular projects where the apportionment has not been made pursuant to other provisions of law, if any, governing expenditures of the funds;

(13) Determine the appropriate level for the Hawaii security net, by developing a tracking and monitoring system to determine what segments of the population are not able to afford the basic necessities of life, and advise the legislature annually regarding the resources required to maintain the security net at the appropriate level; [and]

(14) Subject to the appropriation of state funds and availability of federal matching assistance, expand optional health care to low-income persons as follows: pregnant women and infants under one year of age living in families with incomes up to one hundred eighty-five per cent of the federal poverty level and without any asset restrictions, children under [four] six years of age living in families with incomes [below] up to one hundred thirty-three per cent of the federal poverty level and without any asset restrictions, older children to the extent permitted under optional federal medicaid rules, elderly persons, aliens, the homeless, and other handicapped and medically needy persons[.]; and

(15)[1] Subject to the appropriation of state funds and availability of federal matching assistance, establish the income eligibility level for the medically needy program at one hundred thirty-three per cent of the assistance allowance."

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of $55,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the creation of special medicaid staffing to implement medicaid option changes. The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 1990.

(Approved June 19, 1990.)

Note

1 So in original

ACT 203

H B NO 3428

A Bill for an Act Relating to Judgments

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that the present statutory requirements for the filing and recording of judgments in the land court and bureau of conveyances must be amended to impose additional safeguards to properly identify persons, corporations, partnerships, and other entities against whom judgments are entered The present system for filing and recording of judgments utilizing names fails to identify persons, corporations, partnerships, and other entities properly In numerous instances, lien free individuals and entities against whom judgments have been filed have been delayed in completing real estate sales and loan transactions until the confusion has been resolved

The legislature finds that this misidentification of individuals and entities hinders and obstructs the free flow of economic transactions, and adversely affects the credit ratings of persons, corporations, partnerships, and other entities in our State The legislature further finds that the promotion of the State's economic well-being is a matter of compelling state interest

The purpose of this Act is to mandate that all judgments recorded or registered with the land court or the bureau of conveyances, or both, either

(1) Contain or have endorsed on it either
   (A) The social security number,
   (B) State of Hawaii general excise taxpayer identification number,
   (C) Or federal employer identification number of the person, corporation, partnership, or other entity against whom the judgment is rendered, or
(2) Be accompanied by a certificate that provides that the information required under item (1) does not exist or is not in the possession of the party seeking registration or recordation of the judgment

SECTION 2 Section 501-151, Hawaii Revised Statutes, as amended, is amended to read as follows

"**§501-151 Pending actions, judgments; recording of, notice.** No writ of entry, action for partition, or any action affecting the title to real property or the use and occupation thereof or the buildings thereon, and no judgment, nor any appeal or other proceeding to vacate or reverse any judgment, shall have any effect upon registered land as against persons other than the parties thereto, unless a full memorandum thereof, containing also a reference to the number of certificate of title of the land affected is filed or recorded and registered Except as otherwise provided, every judgment shall contain or have endorsed on it the social security number, State of Hawaii general excise taxpayer identification number, or federal employer identification number for persons, corporations, partnerships or other entities against whom the judgment is rendered If the judgment debtor has no social security number, State of Hawaii general excise taxpayer identification number, or federal employer identification number, or if that information is not in the possession of the party seeking registration of the judgment, the judgment shall be accompanied by a certificate that provides that

the information does not exist or is not in the possession of the party seeking registration of the judgment. Failure to disclose or disclosure of an incorrect social security number, State of Hawaii general excise taxpayer identification number, or federal employer identification number shall not in any way adversely affect or impair the lien created upon registration of the judgment. This section does not apply to attachments, levies of execution, or to proceedings for the probate of wills, or for administration in a probate court; provided that in case notice of the pendency of the action has been duly registered it is sufficient to register the judgment in the action within sixty days after the rendition thereof.

As used in this chapter "judgment" includes an order or decree having the effect of a judgment.

Notice of the pendency of an action in a United States District Court, as well as a state court, may be filed or recorded and registered."

SECTION 3. Section 502-33, Hawaii Revised Statutes, is amended to read as follows:

"**§502-33 Identification of assignments, etc., of mortgages and leases by reference to registration of original.** The registrar shall not record any assignment, extension, or release of mortgage of real property, or an affidavit of foreclosure under a power contained in a mortgage, or a writ, order, or judgment, for possession of the premises covered by any mortgage, or an assignment, extension, or cancellation of lease, unless the same contains a reference to the book and page or document number of the registration of the original mortgage or lease, as the case may be. Except as otherwise provided, every judgment shall contain or have endorsed on it the social security number, State of Hawaii general excise taxpayer identification number, or federal employer identification number for persons, corporations, partnerships, or other entities against whom the judgment is rendered. If the judgment debtor has no social security number, State of Hawaii general excise taxpayer identification number, or federal employer identification number, or if that information is not in the possession of the party seeking registration of the judgment, the judgment shall be accompanied by a certificate that provides that the information does not exist or is not in the possession of the party seeking registration of the judgment. Failure to disclose or disclosure of an incorrect social security number, State of Hawaii general excise taxpayer identification number, or federal employer identification number shall not in any way adversely affect or impair the lien created upon registration of the judgment. No amendment, continuation statement, termination statement, statement of assignment, or statement of release relating to security interests in goods which are or are to become fixtures shall be filed unless it complies with the requirements of the Uniform Commercial Code, section 490:9-408. This section does not apply to any document mentioned herein executed prior to April 13, 1915; and this section does not apply to any document mentioned herein which refers to an unrecorded mortgage or lease, if such fact be recited therein."

SECTION 4. Section 504-1, Hawaii Revised Statutes, is amended to read as follows:

"**§504-1 Registration of federal judgments.** Judgments of United States courts may be registered, recorded, docketed, and indexed in the bureau of conveyances or with the assistant registrar of the land court in the same manner as judgments of the courts of the State. Except as otherwise provided, every judgment shall contain or have endorsed on it the social security number, State

of Hawaii general excise taxpayer identification number, or federal employer identification number for persons, corporations, partnerships, or other entities against whom the judgment is rendered If the judgment debtor has no social security number, State of Hawaii general excise taxpayer identification number, or federal employer identification number, or if that information is not in the possession of the party seeking the registration, recordation, docketing, or indexing of the judgment, the judgment shall be accompanied by a certificate that provides that the information does not exist or is not in the possession of the party seeking registration, recordation, docketing, or indexing of the judgment Failure to disclose or disclosure of an incorrect social security number, State of Hawaii general excise taxpayer identification number, or federal employer identification number shall not in any way adversely affect or impair the lien created upon the registration, recordation, docketing, or indexing of the judgment "

SECTION 5 Section 636-3, Hawaii Revised Statutes, is amended to read as follows

"**§636-3 Judgment, lien when.** Any money judgment or decree of a state court or the United States District Court for the District of Hawaii shall be a lien upon real property when a copy thereof, certified as correct by a clerk of the court where it is entered, is recorded in the bureau of conveyances No such lien shall continue beyond ten years after the date of the judgment Except as otherwise provided, every judgment shall contain or have endorsed on it the social security number, State of Hawaii general excise taxpayer identification number, or federal employer identification number for persons, corporations, partnerships, or other entities against whom the judgment is rendered If the judgment debtor has no social security number, State of Hawaii general excise taxpayer identification number, or federal employer identification number, or if that information is not in the possession of the party seeking registration of the judgment, the judgment shall be accompanied by a certificate that provides that the information does not exist or is not in the possession of the party seeking recordation of the judgment Failure to disclose or disclosure of an incorrect social security number, State of Hawaii general excise taxpayer identification number, or federal employer identification number shall not in any way adversely affect or impair the lien created upon recordation of the judgment When any such judgment is fully paid, the creditor or the creditor's attorney of record in the action shall, at the expense of the debtor, execute, acknowledge, and deliver to the debtor a satisfaction thereof, which may be recorded in the bureau Every satisfaction or assignment of judgment shall contain a reference to the book and page or document number of the registration of the original judgment The recording fees for a judgment and for each assignment or satisfaction of judgment shall be as provided by section 502-25

In the case of registered land, section 501-102 shall govern "

SECTION 6 Section 636C-3, Hawaii Revised Statutes, is amended to read as follows

"**[|||§636C-3|||] Filing and status of foreign judgments.** A copy of any exemplified foreign judgment may be filed in the office of the clerk of the appropriate court of this State The clerk shall treat the foreign judgment in the same manner as a judgment of a court of this State A judgment so filed has the same effect and is subject to the same procedures, defenses, and proceedings for

reopening, vacating, or staying as a judgment of a court of this State, including establishing a lien, and may be enforced or satisfied in like manner."

SECTION 7. This Act shall not apply to any judgment duly entered before January 1, 1991.

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 9. This Act shall take effect on January 1, 1991.

(Approved June 19, 1990.)

ACT 204 S.B. NO. 1110

A Bill for an Act Relating to Prostitution.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 712-1200, Hawaii Revised Statutes, is amended to read as follows:

"**§712-1200 Prostitution.** (1) A person commits the offense of prostitution if the person engages in, or agrees or offers to engage in, sexual conduct with another person [in return] for a fee.

(2) As used in subsection (1), "sexual conduct" means "sexual penetration," "deviate sexual intercourse," or "sexual contact," as those terms are defined in section 707-700.

(3) Prostitution is a petty misdemeanor.

(4) Notwithstanding any other law to the contrary, a person convicted of committing the offense of prostitution shall be sentenced as follows:

(a) For the first offense, a fine of $500 and the person may be sentenced to a term of imprisonment of not more than thirty days; provided, in the event the convicted person defaults in payment of the $500 fine, and the default was not contumacious, the court may sentence the person to perform services for the community as authorized by section 706-605(1).

(b) For any subsequent offense, a fine of $500 and a term of imprisonment of thirty days, without possibility of suspension of sentence or probation.

(5) This section shall not apply to any member of a police department, a sheriff, or a law enforcement officer acting in the course and scope of duties."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

ACT 205

S B NO 2314

A Bill for an Act Relating to Massage

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 452-1 Hawaii Revised Statutes, is amended as follows

1 By amending the definition of "massage establishment" to read

" "Massage therapy establishment" means premises occupied and used for the purpose of practicing massage therapy or massage therapy training, provided that when any massage therapy establishment is situated in any building used for residential purposes, the massage therapy establishment premises shall be set apart and shall not be used for any other purpose "

2 By deleting the definition of "out-call massage service"

[" "Out-call massage service" means any business which engages in or carries on the practice of massage, not at a fixed location but at a location designated by the customer, client, or service "]

SECTION 2 Section 452-3, Hawaii Revised Statutes, is amended to read as follows

"§452-3 Massage therapy establishments [and out-call massage services] to be licensed. No massage therapy establishment [or out-call massage service] shall be operated unless it has been duly licensed as provided for in this chapter[, provided that a licensed massage therapist who does not operate a business employing other persons is exempt from the requirement for an out-call service license, unless that therapist is affiliated with a business providing massage as an adjunct service] "

SECTION 3 Section 452-13, Hawaii Revised Statutes, is amended to read as follows

"§452-13 Requisites for admission to examination and licensing of massage therapists[,] and massage therapy establishments], and out-call massage services]. (a) The executive secretary of the board shall determine the sufficiency of the preliminary qualifications of applicants for admission to examination and licensing The executive secretary shall require that

(1) A nonrefundable application fee shall be paid to the board at the time of the application

(2) The examination fee shall be refunded only if the applicant is found not qualified to take the license examination

(3) An applicant for examination shall have completed academic training in anatomy, physiology, structural kinesiology, and the theory and demonstration of massage, which is not confined to any specific system or method of massage therapy, spent at least six months as a massage therapist apprentice or massage therapist student in a school approved by the board, and met all other requirements set for apprentices or students by the board pursuant to section 452-6(c)

(b) An applicant desiring to license a massage therapy establishment [or an out-call massage service] shall file with the board a written application under oath, on a form prescribed and supplied by the board, and setting forth that the applicant has complied with all of the requirements in a manner and detail as

may be required by the rules established by the board. A license fee shall be paid to the board together with the application fee."

SECTION 4. Section 452-16, Hawaii Revised Statutes, is amended to read as follows:

"**§452-16 Renewal of license; fees.** Massage therapist[,] and massage therapy establishment[, and out-call massage service] licenses shall expire on June 30 of each even-numbered year following the date of issuance unless renewed for the next biennium. These licenses may be renewed by filing an application therefor, accompanied by a renewal fee. The application shall be made between May 1 and June 30 of each even-numbered year. Failure to apply for renewal as provided in this section shall constitute a forfeiture of the license as of the date of expiration. Any license so forfeited may be restored within one year after expiration upon the filing of an application in the same manner and payment, in addition to all delinquent fees, of a penalty fee. Thereafter, the license shall not be restored unless the regular examination and all requirements for the examination including training have been met."

SECTION 5. Section 452-19, Hawaii Revised Statutes, is amended to read as follows:

"**§452-19 Penalties.** (a) Any person who practices massage[,] or maintains a massage therapy establishment [or out-call massage service, or both], or acts in any capacity wherein a license is required by this chapter, without a license provided for in this chapter, shall be [fined not more than $500 or imprisoned not more than six months, or both.] guilty of a petty misdemeanor.

(b) Any owner, operator, manager, or licensee in charge of or in control of a massage therapy establishment [or out-call massage service] who knowingly employs a person who is not licensed as a massage therapist or who has not received a permit as a massage therapist apprentice as provided in this chapter, or who allows an unlicensed person to perform, operate, or practice massage is guilty of a misdemeanor[, and upon conviction the person shall be fined not more than $1,000 or imprisoned not more than one year, or both]."

SECTION 6. Section 452-23, Hawaii Revised Statutes, is amended to read as follows:

"**§452-23 Advertising.** (a) [It is a misdemeanor for any person to advertise as a massage therapist, a massage establishment, or an out-call massage service unless the person holds a valid license under this chapter in the classification so advertised. It shall also be a misdemeanor for any person to advertise as being able to perform massage in any form unless the person has received training in the massage technique that is being advertised. "Advertise" as used in this section includes, but is not limited to, the issuance of any card, sign, or device to any person, the causing, permitting, or allowing of any sign or marking on or in any building, vehicle, or structure, or advertising in any newspaper or magazine, or advertising other than in-column listings in any directory, or commercials broadcast by airwave transmission, with or without any limiting qualifications.] It is a misdemeanor for any person, including a person who is exempt by section 452-21 from this chapter, to advertise with or without any limiting qualifications as a massage therapist unless the person holds a valid license under this chapter. Further, it shall be a violation of this chapter for any person to advertise:

(1) As a massage therapist or a massage therapy establishment unless the person holds a valid license under this chapter in the classification so advertised,

(2) By combining advertising for a licensed massage therapy service with escort or dating services,

(3) As performing massage in a form in which the person has not received training, or of a type which is not licensed or otherwise recognized by statute or administrative rule;

(4) By using in any mass distribution, print advertisements such as newspaper advertisements, or telephone directory listings, pictures depicting the human form other than hands, wrists, and forearms;

(5) By using any term other than therapeutic massage or massage therapy to refer to the service; or

(6) By referring to any personal physical qualities of the practitioner

"Advertise" as used in this section includes, but is not limited to, the issuance of any card, sign, or device to any person, the causing, permitting, or allowing of any sign or marking on or in any building, vehicle or structure, advertising in any newspaper or magazine, any listing or advertising in any directory under a classification or heading that includes the word "massage therapist" or "massage therapy establishment", or commercials broadcast by airwave transmission

[(b) A licensee may advertise in print or broadcast media as defined in subsection (a) only if the licensee includes in the advertisement the licensee's applicable and current license number and provides proof of the number's validity to the publisher or producer of the advertising medium The publisher or producer of a print or broadcast advertising medium shall refuse to publish or broadcast an advertisement for a licensee who does not provide proof of current license registration and who does not include a currently valid license number in the advertisement Nothing in this section shall impose any civil or criminal liability on any publisher or producer who publishes or broadcasts an advertisement based on a good faith reliance on documents presented or representations made by the person placing the advertisement indicating that the advertisement complies with the requirements of this section

(c) The publisher or producer of a print or broadcast advertising medium shall not be liable in any suit, action, or claim arising from its refusal to list or accept advertisements pursuant to subsection (b).] (b) A massage therapist or massage therapy establishment may advertise in print or broadcast medium, as defined in subsection (a) only if the massage therapist or massage therapy establishment includes in the advertisement or listing the massage therapist's or massage therapy establishment's applicable and current license number, and provides written evidence of the number's validity to the publisher or producer of the advertising medium The publisher or producer of a print or broadcast advertising medium shall refuse to publish or broadcast an advertisement or listing for a massage therapist or massage therapy establishment that does not comply with the provisions of this subsection A publisher or producer who obtains a signed statement from the massage therapist or massage therapy establishment which states that the massage therapist or massage therapy establishment has read the text of the advertisement or listing, has an applicable and current massage therapist or massage therapy establishment license for the services advertised, has included all applicable and current license numbers in the advertisement or listing, and is aware of civil and criminal penalties for advertising as a massage therapist or massage therapy establishment without a valid license, shall be entitled to a rebuttable presumption of compliance with this subsection

(c) Upon entry of either a final order of the board of massage pursuant to chapter 91, or a judgment by a court of competent jurisdiction, finding that a massage therapist or massage therapy establishment has advertised in violation of section 452-2 or this section, the public utility furnishing telephone service to the massage therapist or massage therapy establishment shall disconnect the telephone number contained in the advertisement or listing.

(d) A publisher or producer of a print or broadcast advertising medium shall not be liable in any suit, action, or claim arising from refusal to list or accept advertisements pursuant to subsection (b). Good faith compliance by a public utility with subsection (c) is a complete defense to any civil or criminal action brought against it arising from the termination of telephone service."

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

ACT 206 S.B. NO. 2781

A Bill for an Act Relating to the Purchase of Recycled Products.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 103, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§103- Procurement preference for recycled products.** In order to encourage the use of recycled products, contracts shall be awarded to the lowest bidders, with preference given to the products containing recycled raw material. The comptroller shall no later than January 1, 1992 establish rules in accordance with chapter 91 governing preference for recycled products. The rules shall establish percentages of preference and the method of determining the content of recycled raw material to qualify various products for preference."

SECTION 2. New statutory material is underscored.[1]

SECTION 3. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 207 S.B. NO. 3285

A Bill for an Act Relating to Natural Resources.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 182-1, Hawaii Revised Statutes, is amended by amending the definition of "geothermal resources" to read:

" "Geothermal resources" means the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, such natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, but excluding oil, hydrocarbon gas [or], other hydrocarbon substances[ ], and any water, mineral in solution, or other product obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, having a temperature of 150 degrees Fahrenheit or less, and not used for electrical power generation."

SECTION 2 Section[1] 205, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"**§205- Exploratory wells.** Notwithstanding sections 205-5 1(a), (d), and (e), or any other provision of law, any exploratory well drilled for scientific purposes or to determine the economic viability of a geothermal resource, may be permitted outside of a designated geothermal resource subzone, regardless of land use classification, provided that the activity is limited to exploration only. All applicable state and county permits shall be required to drill such exploratory wells which shall not be exempt from the requirements of the environmental impact statement law, chapter 343, Hawaii Revised Statutes."

SECTION 3 Statutory material to be repealed is bracketed. New statutory material is underscored.[2]

SECTION 4 This Act shall take effect upon its approval

(Approved June 19 1990)

Notes

1 So in original
2 Edited pursuant to HRS §23G-16 5

ACT 208 S B NO 3306

A Bill for an Act Relating to Kaneohe Bay

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that Kaneohe Bay is a unique and treasured natural resource that must be preserved and protected for the continued enjoyment of the general public. The bay is an extensive ecosystem that contains a unique estuary system surrounded by barrier reefs that are unequaled in the world Currently, the bay is heavily used by the general public, ocean and marine research programs, and commercial ocean recreation operations, creating conflicting use situations Use of Kaneohe Bay by commercial operators is a privilege and not an exclusive right Therefore, in order to resolve the conflicting use problem, the legislature finds that a master plan should be developed which shall be used as the recommended guideline in the adoption and implementation of rules with regard to the regulation of all activities in Kaneohe Bay.

The purpose of this Act is to establish a Kaneohe Bay task force to study and develop recommendations for a Kaneohe Bay master plan

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $50,000, or 0.0020 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. The office of state planning shall create a Kaneohe Bay task force whose purpose and function shall be to develop a comprehensive Kaneohe Bay master plan, in consultation with members of the community. Upon approval by the director of the office of state planning, the master plan shall be presented to all appropriate state agencies that have jurisdiction in Kaneohe Bay.

The task force shall be composed of eleven members who shall be appointed by October 1, 1990 as follows:

(1) The director or chairperson of each of the following departments or their designees: transportation, health, and land and natural resources;
(2) The director of the University of Hawaii institute of marine biology or the director's designee;
(3) Two members from the Kahaluu neighborhood board or their designated representatives;
(4) Two members from the Kaneohe neighborhood board or their designated representatives;
(5) The commander of the Kaneohe Marine Corps Air Station or the commander's designee; and
(6) Two members appointed by the governor: one to represent commercial fishing interests and one to represent commercial ocean recreation activities.

The members of the task force shall elect a chairperson. Any vacancy on the task force shall be filled in the same manner in which the original position was filled.

The task force shall be placed within the office of state planning for administrative purposes and shall have the authority to seek the services of technical advisors to provide data and research for the development of a master plan.

SECTION 4. The task force shall complete the master plan by October 1, 1991 and submit it to the director of the office of state planning for approval.

SECTION 5. The master plan, as approved by the office of state planning, shall include an assessment of the environmental and ecological impacts of all activities on the bay. The master plan shall be used by all appropriate state agencies as the recommended guideline in the adoption and implementation of all policies, rules, and regulations relating to Kaneohe Bay.

SECTION 6. Notwithstanding any law to the contrary, no new commercial permits for Kaneohe Bay shall be issued after the effective date of this Act and no expansion beyond existing levels of commercial activities shall be permitted.

SECTION 7. The Kaneohe Bay task force shall terminate thirty days after the approval of the Kaneohe Bay master plan by the director of the office of state planning.

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of $50,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the purposes of this Act.

SECTION 9. The sum appropriated shall be expended by the office of state planning.

SECTION 10. This Act shall take effect on July 1, 1990 and shall be repealed thirty days after the approval of the Kaneohe Bay master plan by the director of the office of state planning.

(Approved June 19, 1990)

ACT 209 S.B. NO. 506

A Bill for an Act Relating to Collision Insurance for Rented Motor Vehicles.

Be It Enacted by the Legislature of the State of Hawaii.

SECTION 1. Chapter 437D, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

"**§437D- Commissions.** No lessor or officer, employee, agent, or other representative of the lessor shall pay or receive a commission for selling collision damage waivers. Any violation of this section shall be an unfair or deceptive act or practice as provided in section 480-2.

§437D- Collision waiver damage statistics. Lessors shall submit data or information regarding their sale of collision damage waivers in a given year and amounts expended to repair damage to rental vehicles caused while the vehicles are subject to the collision damage waiver. Lessors shall maintain all records reflecting these statistics.

§437-[1] Rulemaking. The director shall adopt, amend, or repeal rules pursuant to chapter 91 to effectuate the purposes of section 437D- ."

SECTION 2. New statutory material is underscored.[2]

SECTION 3. This Act shall take effect upon its approval.

(Approved June 25, 1990)

Notes

1 So in original
2 Edited pursuant to HRS §23G-16.5

ACT 210 H.B. NO. 839

A Bill for an Act Relating to Discrimination in Public Accommodations.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 489-2, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition of "handicapped status" to be appropriately inserted and to read as follows:

" "Handicapped status" means the state of having a physical or mental impairment which substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment. The term does not include alcohol or drug use that impairs a person's activities or threatens the property or safety of others."

2. By amending the definition of "place of public accommodation" to read as follows:

" "Place of public accommodation" means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the general public[.] as customers, clients, or visitors. By way of example, but not of limitation, place of public accommodation includes facilities of the following types:

(1) A facility providing [service] services relating to travel or transportation;
(2) An inn, hotel, motel, or other establishment [which] that provides lodging to transient guests;
(3) A restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises of a retail establishment;
(4) [An] A shopping center or any establishment [which] that sells goods or services at retail;
(5) An establishment licensed under chapter 281 doing business under a class 4, 5, 7, 8, 9, 10, 11, or 12 license, as defined in section 281-31;
(6) A motion picture theater, other theater, auditorium, convention center, lecture hall, concert hall, sports arena, stadium, or other place of exhibition or entertainment;
(7) A barber shop, beauty shop, bathhouse, swimming pool, gymnasium, reducing or massage salon, or other establishment conducted to serve the health, appearance, or physical condition of persons;
(8) A park, a campsite, or trailer facility[;], or other recreation facility;
(9) A comfort station; or a dispensary, clinic, hospital, convalescent home, or other institution for the infirm;
(10) A professional office of a health care provider, as defined in section 323D-2, or other similar service establishment;
[(10)] (11) A mortuary or undertaking establishment; and
[(11)] (12) An establishment [which] that is physically located within the premises of an establishment otherwise covered by this definition, or within the premises of which is physically located a covered establishment, and which holds itself out as serving patrons of the covered establishment.

No place of public accommodation defined in this section shall be requested to [construct or] reconstruct any facility or part thereof to comply with this chapter."

3 By repealing the definition of "handicap"

[" "Handicap" means a physical or mental impairment which substantially limits one or more of a person's major life activities, or is regarded as such an impairment The term does not include alcohol or drug use that impairs a person's activities or threatens the property or safety of others "]

SECTION 2 Section 489-3, Hawaii Revised Statutes, is amended to read as follows

"[]§489-3[] **Discriminatory practices prohibition.** Unfair discriminatory practices which deny, or attempt to deny, a person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation on the basis of race, sex, color, religion, ancestry, or [handicap] handicapped status are prohibited "

SECTION 3 Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4 This Act shall take effect upon its approval.

(Approved June 25, 1990)

ACT 211 H B NO. 2057

A Bill for an Act Relating to the Judiciary History Center

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Purpose, declaration of intent. The legislature recognizes the importance of our judicial heritage as part of the historic and cultural heritage of the State The legislature further recognizes that in order to promote the educational, historical, and cultural interests of the people of the State, an educational facility presenting the unique historical background of the judiciary through the use of exhibits and other activities is worthy and desirable

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $222,516 or 0 0087 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 3 The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows

"CHAPTER
JUDICIARY HISTORY CENTER

§ **-1 Definitions.** As used in this chapter, unless the context otherwise requires

"Board" means the executive board of the judiciary history center

"Center" means the judiciary history center The judiciary history center is an organized and permanent institution with a professional staff, essentially educational in purpose, which owns and utilizes tangible objects of service, history and art and cares for and exhibits them to the public on a regular schedule

"Friends of the judiciary history center" means the nonprofit citizens group organized to support the center

§ **-2 Judiciary history center; establishment.** There shall be established within the office of the administrative director of the courts, for administrative purposes only, the judiciary history center The judiciary shall provide the center with facilities, security, janitorial services, utilities, fiscal, and necessary legal services The center shall be located on the ground floor of the Ali'iolani Hale Building

§ **-3 Executive board.** (a) The responsibility for general administration and the proper operation of the center shall be vested in an executive board to be known as the board of the judiciary history center The board shall have power in accordance with law to formulate policy and to exercise control over the center The board shall consist of five members appointed by the chief justice, provided that three members shall be selected from a list of seven candidates submitted by the friends of the judiciary history center The term of each member shall be for four years, commencing on July 1, and expiring on June 30, provided that of the five members appointed for terms commencing July 1, 1990 two members shall serve for four years two members shall serve for three years and one member shall serve for two years The members shall serve without compensation but they shall be reimbursed for travel and other necessary expenses incurred in the performance of their official duties

§ **-4 Organization; quorum; meetings.** The board shall elect from its own membership, a chairperson and a vice-chairperson The board shall meet at least four times a year and a majority of all members to which the board is entitled shall constitute a quorum to do business The board shall adopt such rules as are necessary in carrying out the purposes of this chapter

§ **-5 Duties; scope of work.** The board shall establish a comprehensive program which shall include, but not be limited to the following

(1) Managing and opening the center to the general public for educational, historical, and cultural purposes
(2) Collecting, preserving displaying and interpreting objects and documents that are representative of our judicial heritage
(3) Cooperating with and providing technical assistance to the judiciary and other public and private agencies involved in developing and implementing programs in historic preservation activities related to the judiciary
(4) Conducting research in the field of Hawaiian judicial history and making the benefits of such research and study available to the public
(5) Stimulating and promoting public interest and awareness of Hawaiian judicial history by providing interpretive and information services for use in the schools of the State which will aid in a better understanding of the history of the judiciary

(6) Selecting and employing an executive director to serve on a full-time basis who is qualified by training and experience. The executive director shall administer policies and programs approved by the board and exercise supervision of the center's activities,
(7) Employing personnel as required to operate and maintain the center Employees of the center shall be exempt from chapters 76 and 77, and shall not be considered civil service employees but shall be entitled to any employee benefit plan normally inuring to civil service employees, and
(8) Doing other things necessary to accomplish the purposes of this chapter including the adoption, amending, or repeal of rules in accordance with chapter 91

§ **-6 Annual report.** The board shall submit a report on its activities to the legislature at least twenty days prior to the convening of each regular legislative session The annual report shall include the total number and amount of gifts and grants received, contracts entered into, and progress and accomplishments made during the year."

SECTION 4 There is appropriated out of the general revenues of the State of Hawaii the sum of $222,516, or so much thereof as may be necessary for fiscal year 1990-1991, to carry out the purposes of this Act.

SECTION 5 The sum appropriated shall be expended by the judiciary for the purposes of this Act.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 25, 1990)

ACT 212 H.B. NO. 2301

A Bill for an Act Relating to the Primary and General Elections of the Board of Education

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that, with the exception of the board of education, all congressional, state, and local governmental offices are filled through a system of primary and general elections This system affords voters the opportunity to fully weigh the attributes and qualifications of all candidates, and to make well-informed, thoughtful decisions when exercising one of our most precious and important constitutional rights

The legislature also finds that the practice of choosing board of education members through a single election engenders a large, unwieldy field of candidates which generates confusion for voters and makes it nearly impossible for them to assimilate critical information about each candidate The effect is a circumscription of the electorate's ability to make an informed, thoughtful, and meaningful choice when selecting board members Because of the impact that board policies and decisions have on the growth and development of the young people of our State, especially during this period of change in Hawaii's public school system, this effect cannot continue

The legislature further finds that it is in the best interest of the people of Hawaii to preserve and protect their ability to make an informed, meaningful choice when selecting board of education members and that a system of primary and general elections for the board of education will further that interest.

Accordingly, the purpose of this Act is to provide for the election of board of education members through a system of primary and general elections while retaining the nonpartisan character of the elections.

SECTION 2. Section 13-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Members of the board of education shall be [elected at a special election held in conjunction with] nominated at a primary election and elected at the general election. Except as otherwise provided by this chapter, the candidates for the board of education shall be elected in the manner prescribed by this title.

(1) Nomination papers, preparation of. The chief election officer shall prepare [the] nomination papers in such a manner that a candidate desiring to file for election to the board of education shall be able to specify whether the candidate is seeking a seat requiring residency in a particular departmental school district or a seat without such residency requirement.

(2) Ballot. The school board ballot shall be prepared in such a manner as to afford every voter eligible to vote in a school board district race, the opportunity to vote for each and every candidate seeking election from [such] that school board district.

The school board ballot shall contain the names of all board candidates arranged alphabetically in a nonpartisan manner; provided that the names of candidates seeking seats requiring residency in a particular departmental school district shall be grouped alphabetically according to departmental school districts.

(3) Primary election. Two candidates receiving the most votes for each available seat shall be nominated for the general election.

(4) General election. Each voter in the general election shall be entitled to receive the school board ballot and to vote for the number of seats available in the respective school board districts."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

ACT 213 H.B. NO. 2947

A Bill for an Act Relating to Income Tax Withholding.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 235, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§235- Withholding of tax on the disposition of real property by nonresident persons. (a) As used in this section:

"Nonresident person" means every person other than a resident person.

"Property" or "real property" means "property" or "real property" as the term is defined in section 231-1

"Resident person" means any individual included in the definition of "resident" in section 235-1, any corporation incorporated under chapter 415, 415A, 415B, or 416, any partnership formed under chapter 425, any trust included in the definition of "resident trust" in section 235-1, or any estate included in the definition of "resident estate" in section 235-1

"Transferee" means any person acquiring real property which is located in Hawaii.

"Transferor" means any person disposing real property which is located in Hawaii.

(b) Unless otherwise provided in this section, every transferee shall deduct and withhold a tax equal to nine per cent of the amount realized on the disposition of Hawaii real property Every person required to withhold a tax under this section is made liable for the tax and is relieved of liability for or upon the claim or demand of any other person for the amount of any payments to the department made in accordance with this section

(c) Every transferee required by this section to withhold tax under subsection (b) shall make a return of the amount withheld to the department of taxation not more than twenty days following the transfer date.

(d) No person shall be required to deduct and withhold any amount under subsection (b), if the transferor furnishes to the transferee an affidavit by the transferor stating the transferor's taxpayer identification number and

(1) The transferor is a resident person, or
(2) That by reason of a nonrecognition provision of the Internal Revenue Code as operative under this chapter or the provisions of any United States treaty, the transferor is not required to recognize any gain or loss with respect to the transfer,
(3) A brief description of the transfer; and
(4) A brief summary of the law and facts supporting the claim that recognition of gain or loss is not required with respect to the transfer

This subsection shall not apply if the transferee has actual knowledge that the affidavit referred to in this subsection is false

(e) Any transferor who wilfully supplies false or fraudulent information on an affidavit pursuant to subsection (d) shall be in violation of section 231-34 and shall be fined not more than $1,000 or imprisoned not more than one year, or both."

SECTION 2 Section 235-65, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows

"(a) Any person required under sections 235-61 to 235-64 or section 235- to collect, account for, and pay over any tax imposed by this chapter who wilfully fails to collect or truthfully account for and pay over such tax shall, in addition to other penalties provided by law, be guilty of a misdemeanor "

SECTION 3 New statutory material is underscored [1]

SECTION 4. This Act shall take effect on January 1, 1991.

(Approved June 25 1990)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 214 H.B. NO. 3176

A Bill for an Act Relating to Unfair and Deceptive Trade Practices.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER
ACTIVITY PROVIDERS

§ **-1 Definitions.** Whenever used in this chapter, unless the context otherwise requires:

"Activity desk" means an individual, firm, corporation, association, partnership, or any group of persons, whether incorporated or not, which, as an intermediary, sells, contracts for, arranges, or advertises that it can or will arrange, or has arranged, activities which are furnished by an activity provider.

"Activity provider" means an individual, firm, corporation, association, partnership, or any group of persons, whether incorporated or not, which provides specialized air, land, or sea tour excursions and activities.

§ **-2 Prohibited acts.** No activity desk shall engage in any of the following practices:

(1) Covering, concealing or obscuring the name, address, or telephone number of an activity provider in any card or brochure; and

(2) Placing a telephone number, address, or other information on any card, brochure or other advertising material produced or published by an activity provider, whether by decal, sticker, stamp or otherwise, without identifying the activity desk by name.

§ **-3 Payment provision.** Unless the express written contract has a provision to the contrary, payment is due and payable forty-five days from the date of invoice.

§ **-4 Legal rate; computation.** Except as otherwise permitted by existing written contract, any activity desk who directly or indirectly receives any interest on the payment due to the activity provider, shall remit the interest and the payment due to the activity provider; provided that if the interest and payment due are not remitted within forty-five days from the date of invoice, interest on the unpaid balance of the interest and payment due shall accrue at the rate of one per cent per month from the due date.

§ **-5 Injunctive relief; suits.** (a) Any activity provider is entitled to injunctive relief and may sue in any circuit court of the state in the circuit in which the defendant resides or has an agent.

(b) If the court determines that the action was brought frivolously, for purposes for harassment, or in implementation of any scheme in restraint in trade, it may award court costs, reasonable attorneys fees.

(c) The prevailing party, in a civil action brought under the provisions of this chapter, shall be entitled to recover the cost of defending the suit, including a reasonable attorney's fee

§ -6 **Action for damages.** Any activity desk shall be liable to the activity provider for a violation of this chapter for any damages which result from such violation and in no event for an amount less than $1,000 00 for each violation

§ -7 **Exemptions.** This chapter shall not apply to any person whose principal business is the sale of travel services as a travel agency, as defined in chapter 468K, or any travel agency appointed to do business as a travel agency by the Airlines Reporting Corporation, nor shall it apply when an activity provider performs activity desk operations for its own excursions or activities."

SECTION 2 This Act shall take effect upon its approval, and shall be repealed June 30, 1991.

(Approved June 25 1990)

ACT 215 H.B NO 3183

A Bill for an Act Relating to Hawaiian Symbols

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that the flag of the State of Hawaii is a living symbol of the actual flag adopted by King Kamehameha the First and used as his emblem representing the Kingdom of Hawaii on his own ships sailing the Pacific Ocean. It is a flag rich in history and international significance, having flown for governments representing the unified Kingdom, and subsequently, the Provisional Government of Hawaii after the overthrow of the monarchy, the Republic of Hawaii, the Territory of Hawaii after annexation to the United States, and the State of Hawaii

The legislature finds that the Hawaiian flag is unique as it was originally the flag of a Kingdom and four subsequent governments, remaining virtually the same throughout this historic period The legislature further finds that chapter 5, Hawaii Revised Statutes, makes only superficial mention to the Hawaiian flag, neglecting to include important historic facts and other pertinent information on flag protocol

The purpose of this Act is to give the Hawaiian flag the attention it deserves in the Hawaii Revised Statutes.

SECTION 2. Chapter 5, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows

"§5- **State flag.** As used in this part, unless the context otherwise required

"Flag" means any flag, standard, color, ensign, or any picture or representation of either made of any substance or represented on any substance, and of any size, evidently purporting to be, either of, the flag, standard, color, or ensign of the State of Hawaii or a picture or representation, of either upon which shall be shown the Jack, the colors and stripes in any number of either, or by

which the person seeing the same without deliberation may believe the same to represent the flag, colors, standard, or ensign of the State of Hawaii.

§5- **Description of the Hawaiian flag.** The official description of the Hawaiian flag as authorized to represent the State of Hawaii on land and sea, and authorized for executive state agencies, second to the stars and stripes of the United States shall be:

(1) The Hawaiian flag shall consist of eight horizontal stripes, alternately white, red, blue, etc., beginning at the top, having a jack cantoned in the dexter chief angle next to the point of suspension;

(2) The jack shall consist of a blue field charged with a compound saltire (crossing) of alternate tincture white and red, the white having precedence; a narrow edge of white borders each red side of the saltire;

(3) A red cross bordered with white is charged (placed) over all;

(4) The proportion shall be as follows:

(A) The fly (length) is twice the hoist (width);

(B) The jack is half the hoist (width) in breadth and 7-16 the fly in length;

(C) The arms of the red cross with border shall be equal in width to one of the horizontal stripes; the white border shall be one-third the width of the red cross;

(D) The arms of the compound saltire (crossing) are equal in width to the red cross, the tinctures white, red, and the border being in the proportion of 3, 2, 1, respectively.

When the Hawaiian flag is flown from the same halyard as the flag of the United States of America is flown, it shall be underneath the national colors.

The Hawaiian flag shall not be used to cover a platform or speaker's desk, nor to drape over the front of a speaker's platform.

When the Hawaiian flag and the flag of the United States of America are displayed on a speaker's platform at the same time, the Hawaiian flag shall be on the left side of the speaker, the speakers left, while the flag of the United States of America is on the right side of the speaker, the speakers right.

When the Hawaiian flag is used to cover a casket, it shall be so placed that the jack is at the head and over the left shoulder. The flag shall not be lowered into the grave or allowed to touch the ground.

To fold the Hawaiian flag ceremoniously, first fold it lengthwise, bringing the striped half up over the jack. Then repeat, with the jack on the outside. Beginning at the lower right, make a series of triangular folds until the flag resembles a cocked hat with only the jack visible.

The Hawaiian flag shall be flown at half-mast by first raising it to the top of the flagpole, and then slowly lowering it to a position one-fourth of the distance down the flagpole, and there leaving it during the time it is to be displayed. In taking the flag down, it shall first be raised to the top of the flagpole, and then slowly lowered with appropriate ceremony.

When the Hawaiian flag is in such condition of repair that it is no longer a suitable emblem for displaying, it shall be totally destroyed, preferably by burning, and that privately; or this shall be done by some other method in keeping with the spirit of respect and reverence that all owe the emblem that represents the Aloha State of Hawaii.

§5- **Public display of Hawaiian flag; position.** On every occasion of public display of the Hawaiian flag, within the State of Hawaii, it shall occupy the position of honor when displayed in company with the flags of other states,

nations or international organizations, provided, however, that when the United States flag is displayed with the Hawaiian flag, the national flag shall occupy such position of honor."

SECTION 3. Section 5-10, Hawaii Revised Statutes, is amended to read as follows:

"**§5-10 State song.** (a)[1] The song ["Hawaii Ponoi"] "Hawai'i Pono'i" is adopted, established, and designated as the official song of the State, to be effective for as long as the legislature of the State does not otherwise provide."

SECTION 4. Section 5-4, Hawaii Revised Statutes, is repealed.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.[2]

SECTION 6. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.

ACT 216 S.B. NO. 13

A Bill for an Act Relating to Bodhi Day.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 8, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§8- Bodhi Day.** December 8 of each year shall be known and designated as "Bodhi Day" in recognition that on this day Prince Siddhartha Gautama, after six years of study and rigorous ascetic practices and meditation, attained "enlightenment" or "awakening" to the true nature of existence, which was later conceptualized as the "Four Noble Truths." This day is not and shall not be construed to be a state holiday."

SECTION 2. New statutory material is underscored.[1]

SECTION 3. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 217

S.B. NO. 52

A Bill for an Act Relating to the Hawaii Bank Act.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 403-1, Hawaii Revised Statutes, is amended to read as follows:

"**§403-1 Title and application of chapter.** This chapter shall be known as the "Hawaii Bank Act [of 1931]" and shall be applicable to all corporations transacting any banking business in the State by virtue of any law of the State, and to such other corporations as shall subject themselves or be subject to special provisions and sections thereof, and to such other persons, associations, copartnerships, or corporations as shall, by violating any of its provisions, be subject to the penalties provided herein."

SECTION 2. Section 403-53, Hawaii Revised Statutes, is amended to read as follows:

"**§403-53 Branch banks[.]; electronic funds transfer terminals.** No bank or any officer or director, agent, or employee thereof, shall open or maintain any branch in the State or receive deposits or pay checks other than at its principal place of business or its established branches or such subsidiary collection offices as the commissioner may approve, except as hereinafter authorized; provided that this section shall not apply to branch banks existent on July 1, 1931, and authorized to do business in the State; and provided further that nothing in this section shall authorize any bank to change the location of any branch bank except as authorized by the procedure hereinafter outlined for opening of branch banks.

Notwithstanding any other provision to the contrary, a bank or officer, director, agent or employee thereof, shall not be considered to have opened or to be maintaining a branch by reason of documentation of a purchase, loan, payment or contribution being made or obtained with a charge card or charge card account number or by reason of disbursement of cash or other proceeds.

[Except as provided in section 403-56, no bank shall be permitted to open or maintain in the district of Honolulu, in addition to the main office of the bank more than five branch banks through 1981, six branch banks through 1983, seven branch banks through 1985, and no limit on the number of branch banks effective January 1, 1986, (whether designated as branch banks or collection offices) within each of the zones described.

Zone I: extending from the western side of Nuuanu Avenue to the western limits of the district of Honolulu;

Zone II: extending from the eastern limits of Zone I to a line beginning at the sea and running along Kapahulu Avenue to the intersection of Kapahulu Avenue and Waialae Road, and thence following easterly on Waialae Road to St. Louis Drive, and thence along St. Louis Drive and Dole Street extension to the boundary between Manoa Valley and Palolo Valley, and thence along the boundary to the Koolau range;

Zone III: extending from the eastern limits of Zone II to the eastern limits of the district of Honolulu.]

The branch banking limitations of this section shall not apply to electronic funds transfer devices.

A bank or a service corporation of a bank holding company which provides electronic funds transfer terminals and services to its customers, at premises separate from its main office or duly authorized branch or facility, shall make such equipment or services available for use by customers of any other bank authorized to do business in this State upon the request of that other bank to share its use and the agreement of that other bank to share pro rata all costs incurred in connection with the installation and operation of such electronic funds transfer equipment and terminals Such terminals shall identify with equal prominence all of the banking institutions which use the terminals

The commissioner shall adopt rules pursuant to chapter 91 governing the placement of electronic funds transfer devices "

SECTION 3 Section 403-55, Hawaii Revised Statutes, is amended to read as follows

"**§403-55 Procedure to open or maintain branch bank; application.** Any bank desiring to open and maintain a branch bank or change the location of an established branch shall file [a petition in triplicate] an application in duplicate with the commissioner [of the State] in a form approved by the commissioner [and] which shall state

(1) The name of the bank,
(2) The specific location of the proposed site of the branch bank office,
(3) Facts showing that there is a reasonable assurance of sufficient volume of business so that opening and maintaining the proposed branch [is warranted,
(4) Facts showing that the opening and maintenance of the proposed branch or change of location is justified,] will not jeopardize the solvency of the bank,
[(5)] (4) Such other facts that the commissioner may from time to time prescribe

[A petition] An application for a change of location shall be accompanied by a fee of $150 and [a petition] an application for opening and maintaining a branch office shall be accompanied by a fee of $500, which shall be deposited to the credit of the general fund of the State

Upon receipt [by the commissioner] of [such petition] an application the commissioner shall make an investigation of the conditions and facts contained in [such petition pertinent thereto, and if in the commissioner's judgment] the application If the commissioner is satisfied that the establishment of the proposed branch or change of location is justified, the commissioner shall issue a certificate permitting the [organization and maintenance of such] branch or change of location of a branch

Except as provided in this section and section 403-56, there shall be no restriction on the number of branches any bank may open or maintain "

SECTION 4 Section 403-56, Hawaii Revised Statutes, is amended to read as follows

"**[|§403-56|] Branch bank at University of Hawaii Manoa Campus; procedure.** (a) [In addition to the branch banks permitted by section 403-53, the] The commissioner may issue a certificate as herein provided permitting the organization and maintenance of one branch bank on the Manoa Campus of the University of Hawaii

(b) The commissioner shall adopt rules pursuant to chapter 91 establishing forms and procedures for competitive bidding by banks to obtain the certificate authorized by this section.

(c) The certificate shall be issued to the [petitioner] applicant that has been approved by the commissioner pursuant to section 403-55."

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

ACT 218 S.B. NO. 57

A Bill for an Act Relating to Seat Belts.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to eliminate the requirement that motor vehicle insurers provide a reduction of premium charges for no-fault benefits for motor vehicles equipped with seat belts, since virtually all motor vehicles are so equipped.

SECTION 2. Section 431:10C-202, Hawaii Revised Statutes, is amended to read as follows:

"**§431:10C-202 Making of motor vehicle insurance rates.** (a) All premium rates for motor vehicle insurance shall be made in accordance with the following provisions:

(1) Rates shall not be excessive, inadequate, or unfairly discriminatory;

(2) Due consideration shall be given to:

(A) Past and prospective loss experience in this State, catastrophe hazards, if any, reasonable margin for profit, and contingencies, dividends, savings, or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members, or subscribers;

(B) Reasonable margin for profit from and contingencies in the administration of motor vehicle insurance sold;

(C) Past and prospective expenses in the sale and administration of motor vehicle insurance;

(D) Investment income from reserves, unearned insurance premiums, and other unearned proceeds received on account of motor vehicle insurance sold, and all other factors that may be deemed relevant, such as but not limited to types of vehicles, occupations, and involvement in past accidents, provided they are established to have a probable effect upon losses or expense, or rates; and

(E) Optionally, to past or prospective loss, sales, and administrative costs experience in the nation or regionally, whenever such[1] consideration will serve to reduce rates;

(3) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other

insurers or groups of insurers to reflect the requirements of the operating methods of any insurer or group with respect to any class of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable, and

(4) Risks may be grouped by classifications for the establishing of rates and minimum premiums Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both The standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses

(b) Except to the extent necessary to meet the provisions of subsection (a)(4), uniformity among insurers in any matters within the scope of this section is neither required nor prohibited

(c) The commissioner shall be prohibited from setting, maintaining, or in any way fixing the rates charged by motor vehicle insurers for motor vehicle insurance issued in conformity with this article as either no-fault insurance or as optional additional insurance except as provided in part IV of this article Each insurer licensed to underwrite no-fault insurance in the State shall establish its own rate schedule The commissioner, however, shall monitor and survey the several companies' rate making methods and systems The commissioner shall require of each insurer and of each self-insurer any and all information, data, internal memoranda, studies, and audits the commissioner deems desirable for the purpose of evaluation, comparison, and study of the methods and schedules.

(d) [Notwithstanding subsection (c), commencing on December 16, 1985 and ending on December 31, 1988, all insurers of any motor vehicle shall provide a ten per cent reduction off premium charges each insurer assesses for each new and renewal policy for no-fault benefits and medical payment coverage for any motor vehicle which is equipped with seat belt assemblies as required under any federal motor vehicle safety standard issued pursuant to Public Law 89-563, the federal National Traffic and Motor Vehicle Safety Act of 1966, as amended, or which is so equipped even if not required to be under any federal motor vehicle standard.

(e)] Notwithstanding subsection (c), and in addition to all other premium reductions required under this section, commencing on October 1, 1986 and ending on September 30, 1989, all insurers of any motor vehicle shall provide a 1.5 per cent reduction for bodily injury liability, property damage liability, no-fault benefits, uninsured motorist, and underinsured motorist coverages, and a 0 75 per cent reduction for collision coverage off premium charges each insurer assesses for each new and renewal policy, based on the anticipated effects of section 281-78 Commencing on October 1, 1989 and ending on September 30, 1990, at the discretion of and as determined by the commissioner, based on the difference between the actual and anticipated effects of section 281-78, all insurers of any motor vehicle shall provide a refund or credit to each insured at the time of renewal of a no-fault policy

[(f)] (e) Notwithstanding any other law to the contrary, no insurer shall agree, combine[1] or conspire with any other private insurer or enter into, become a member of, or participate in any understanding, pool, or trust, to fix, control, or maintain, directly or indirectly, motor vehicle insurance rates Any violation of this section shall subject the insurer and each of its officers and employees involved to the penalties of chapter 480 without benefit of any exemption otherwise permitted by section 480-11, provided that this subsection shall not

apply to advisory organizations referred to in section 431:14-111 which are not involved in rate making under this article."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Note

1. So in original

ACT 219 S.B. NO. 89

A Bill for an Act Relating to Jury Commissioners.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 46-33, Hawaii Revised Statutes, is amended to read as follows:

"[[§46-33]] Exemption of certain county positions. In any county with a population of 500,000 or more, the civil service to which this section refers is comprised of all positions in the public service of such county, now existing or hereafter established, and embraces all personal services performed for such county, except the following:

(1) Positions of officers elected by public vote; positions of heads of departments; position of the clerk; position of the manager of the board of water supply and position of the chief of police.
(2) Positions in the office of mayor, but such positions, except those of the heads of the offices of information and complaint and budget director, shall be included in the position classification plan. Employees of the municipal library and of the offices of information and complaint and budget director, other than the heads of such offices, however, shall not be exempted from civil service.
(3) Positions of deputies of the corporation counsel, deputies of the prosecuting attorney, and law clerks.
(4) Positions of members of any board, commission, or equivalent body.
(5) Positions filled by inmates, patients, or students in city institutions or in the schools.
(6) Positions of district magistrates, jurors, [jury commissioners] and witnesses.
(7) Personal services obtained by contract where the director of civil service has certified that the service is special or unique, is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform such service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year.
(8) Personal services of a temporary nature needed in the public interest where the need for the same does not exceed ninety days, but before any person may be employed to render such temporary service the

director of civil service shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable The employment of any person for service of a temporary nature may be extended for good cause for an additional period not to exceed ninety days upon similar certification by the director subject to approval of the civil service commission

(9) Personal services performed on a fee, contract or piecework basis by persons who may lawfully perform their duties concurrently with their private business or profession or other private employment if any, and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the portion of time devoted to the service of the city and such fact is certified to by the director of civil service

(10) Positions of temporary election clerks in the office of the clerk employed during the election periods, but the positions filled by such employees shall be included in the position classification plan

(11) Positions of one first deputy and private secretaries to heads of departments and their first deputies[,], but private secretarial positions shall be included in the position classification plan The first deputy in the department of civil service, however, shall not be exempt from civil service

The director of civil service shall determine the applicability of this section to specific positions "

SECTION 2 Section 76-16, Hawaii Revised Statutes, is amended to read as follows

"**§76-16 Civil service and exemptions.** The civil service to which this part applies comprises all positions in the State now existing or hereafter established and embraces all personal services performed for the State, except the following

(1) Commissioned and enlisted personnel of the Hawaii national guard as such, and positions in the Hawaii national guard that are required by state or federal laws or regulations or orders of the national guard to be filled from those commissioned or enlisted personnel

(2) Positions filled by persons employed by contract where the director of personnel services has certified that the service is special or unique or is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform the service cannot be obtained through normal civil service recruitment procedures Any such contract may be for any period not exceeding one year

(3) Positions of a temporary nature needed in the public interest where the need for the position does not exceed one year, but before any person may be employed to render the temporary service the director shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable,

(4) Positions filled by the legislature or by either house or any committee thereof,

(5) Employees in the office of the governor and household employees at Washington Place,

(6) Positions filled by popular vote,

(7) Department heads, officers, and members of any board, commission, or other state agency whose appointments are made by the governor or are required by law to be confirmed by the senate;

(8) Judges, referees, receivers, masters, jurors, [jury commissioners,] notaries public, land court examiners, court commissioners, and attorneys appointed by a state court for a special temporary service;

(9) One bailiff for the chief justice of the supreme court who shall have the powers and duties of a court officer and bailiff under section 606-14; one secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court; three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court and each judge of the intermediate appellate court, and one law clerk for each judge of the circuit court and the administrative judge of the district court of the first circuit (provided that the law clerk for a judge of the circuit court shall be employed in lieu of and shall have the powers and duties of a court officer and bailiff under section 606-14); sheriff, first deputy sheriff, and second deputy sheriff; and one private secretary for[1] each department head, each deputy or first assistant, and each additional deputy, or assistant deputy, or assistant defined in paragraph (16);

(10) First deputy and deputy attorneys general, the administrative services manager of the department of the attorney general, one secretary for the administrative services manager, an administrator and any support staff for the criminal and juvenile justice resources coordination functions, and law clerks;

(11) Teachers, principals, vice-principals, district superintendents, chief deputy superintendents, other certificated personnel, and not more than twenty noncertificated administrative, professional, and technical personnel not engaged in instructional work in the department of education,[1] and members of the faculty of the University of Hawaii, including research workers, extension agents, personnel engaged in instructional work, and administrative, professional, and technical personnel of the university;

(12) Employees engaged in special, research, or demonstration projects approved by the governor;

(13) Positions filled by inmates, kokuas, patients of state institutions, persons with severe physical or mental handicaps participating on the work experience training programs, and students and positions filled through federally funded programs which provide temporary public service employment such as the federal Comprehensive Employment and Training Act of 1973;

(14) A custodian or guide at Iolani Palace, Royal Mausoleum, and Hulihee Palace;

(15) Positions filled by persons employed on a fee, contract, or piecework basis who lawfully may[1] perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State;

(16) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, Article V, of the State Constitution; three additional deputies or assistants either in charge of the highways, harbors, and airports divisions or

other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor, one additional deputy to administer all hospitals within the jurisdiction of the department of health, one additional deputy in the department of health to administer all environmental health programs within the jurisdiction of the department, one additional deputy in the department of human services either in charge of welfare or other functions within the department as may be assigned by the director of human services, one additional deputy[1] in the department of health in charge of administration or other functions within the department as may be assigned by the director of health with the approval of the governor, one additional deputy in the department of business and economic development to perform the duties assigned by the director of business and economic development and approved by the governor, one additional deputy in the department of budget and finance to perform the duties assigned by the director of finance and approved by the governor; one additional deputy within the department of land and natural resources to perform the duties to be assigned by the chairperson of the board of land and natural resources,[1] and an administrative assistant to the superintendent of education,

(17) Positions specifically exempted from this part by any other law, provided that all of the positions defined by paragraph (9) shall be included in the position classification plan,

(18) Positions in the state foster grandparent program and positions for temporary employment of senior citizens in occupations in which there is a severe personnel shortage or in special projects,

(19) Household employees at the official residence of the president of the University of Hawaii,

(20) Employees in the department of education engaged in the supervision of students during lunch periods and in the cleaning of classrooms after school hours on a less than half-time basis,

(21) Employees hired under the tenant hire program of the Hawaii housing authority, provided that [no] not more than twenty-six per cent of the authority's work force in any housing project maintained or operated by the authority shall be hired under the tenant hire program,

(22) Positions of the federally funded expanded food and nutrition program of the University of Hawaii which require hiring of nutrition program assistants who live in the areas they serve, and[1]

(23) Positions filled by severely handicapped persons who are certified by the state vocational rehabilitation office that they are able to perform safely the duties of the positions.[1]

The director shall determine the applicability of this section to specific positions

Nothing in this section shall be deemed to affect the civil service status of any incumbent as it existed on July 1, 1955."

SECTION 3. Section 76-77, Hawaii Revised Statutes, is amended to read as follows:

"**§76-77 Civil service and exemptions.** The civil service to which this part applies comprises all positions in the public service of each county, now existing

or hereafter established, and embraces all personal services performed for each county, except the following:

(1) Positions in the office of the mayor, but the positions shall be included in the position classification plan;

(2) Positions of officers elected by public vote; positions of heads of departments and positions of one first deputy or first assistant of heads of departments;

(3) Positions of deputy county attorneys, deputy corporation counsel, deputy prosecuting attorneys, and law clerks;

(4) Positions of members of any board, commission, or agency;

(5) Positions filled by students; positions filled through federally funded programs which provide temporary public service employment such as the federal Comprehensive Employment and Training Act of 1973; and employees engaged in special research or demonstration projects approved by the mayor, for which projects federal funds are available;

(6) Positions of district judges, jurors, [jury commissioners,] and witnesses;

(7) Positions filled by persons employed by contract where the personnel director has certified and where such certification has received the approval of the commission that the service is special or unique, is essential to the public interest and that, because of the circumstances surrounding its fulfillment, personnel to perform the service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year;

(8) Positions of a temporary nature needed in the public interest where the need for the same does not exceed ninety days; but before any person may be employed to render such temporary service the director shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable; provided that the employment of any person for service of a temporary nature may be extended for good cause for an additional period not to exceed ninety days upon similar certification by the director, approved by the commission;

(9) Positions of temporary election clerks in the office of the county clerk employed during election periods;

(10) Positions specifically exempted from this part by any other state statutes;

(11) Positions of one private secretary of heads of departments, but such positions shall be included in the position classification plan;

(12) Positions filled by persons employed on a fee, contract, or piecework basis who may lawfully perform their duties concurrently with their private business or profession or other private employment, if any, and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the portion of time devoted to the service of the county and that fact is certified to by the director;

(13) Positions filled by the severely handicapped persons who are certified by the state vocational rehabilitation office that they are able to safely perform the duties of the positions; and

(14) Positions funded under the housing and urban development (HUD) section 8 housing assistance program which positions may be for the duration of the federal funding contract allocation; provided that

this exemption shall not preclude each county from allocating general funds for these positions and establishing these positions as civil service positions

The director shall determine the applicability of this section to specific positions and the director shall determine whether or not positions excluded by paragraphs (7) and (8) [of this section] shall be included in the position classification plan

Nothing in this section shall be deemed to affect the civil service status of any incumbent, private secretary of heads of departments as it existed on May 7, 1977 "

SECTION 4 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 5 This Act shall take effect upon its approval

(Approved June 25 1990)

Note

1 So in original

ACT 220 S B. NO 755

A Bill for an Act Relating to Service by Publication.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 84-31, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows

"(b) Charges concerning the violation of this chapter shall be in writing, signed by the person making the charge under oath, except that any charge initiated by the commission shall be signed by three or more members of the commission The commission shall notify in writing every person against whom a charge is received and afford the person an opportunity to explain the conduct alleged to be in violation of the chapter The commission may investigate, after compliance with this section, such charges and render an informal advisory opinion to the alleged violator The commission shall investigate all charges on a confidential basis, having available all the powers herein provided, and proceedings at this stage shall not be public If the informal advisory opinion indicates a probable violation, the person charged shall request a formal opinion or within a reasonable time comply with the informal advisory opinion If the person charged fails to comply with such informal advisory opinion or if a majority of the members of the commission determine that there is probable cause for belief that a violation of this chapter might have occurred, a copy of the charge and a further statement of the alleged violation shall be [personally] served upon the alleged violator Service shall be made by personal service upon the alleged violator wherever found or by registered or certified mail with request for a return receipt and marked deliver to addressee only If after due diligence service cannot be effected successfully in accordance with the above, service may be made by publication if so ordered by the circuit court of the circuit wherein the alleged violator last resided The state ethics commission shall submit to the circuit court for its consideration in issuing its order to allow service by publication an affidavit setting forth facts based upon the personal knowledge of the affiant concerning the methods, means, and attempts made to locate and

effect service by personal service or by registered or certified mail in accordance with the above. Service by publication when ordered by the court shall be made by publication once a week for four successive weeks of a notice in a newspaper of general circulation in the circuit of the alleged violator's last known state address. The alleged violator shall have twenty days after service thereof to respond in writing to the charge and statement."

SECTION 2. New statutory material is underscored.[1]

SECTION 3. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Note

1. So in original.

ACT 221 S.B. NO. 973

A Bill for an Act Relating to the Office of Hawaiian Affairs.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there is a need to clarify the laws relating to the budget of the office of Hawaiian affairs and to ensure that beneficiaries can participate in the preparation of the budget and be kept informed of the expenditures and programs of the office.

SECTION 2. Chapter 10, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"**§10- Budget preparation and submission; auditing.** (a) The budget, six-year program and financial plan, and the variance report of the office of Hawaiian affairs shall be submitted by the board to the legislature and to each member thereof in accordance with the budget submission schedule specified for the governor in chapter 37 and shall contain the program information specified in that chapter that is applicable to the office of Hawaiian affairs. Not less than twenty days prior to the convening of each regular session of the legislature, the office of Hawaiian affairs shall submit to the legislature an accounting of the expenditures made in the prior fiscal year, by account code and budget program. By November 1 of each year preceding a legislative session in which a budget is to be submitted, the board shall provide written notification to the governor of the proposed total expenditures, by cost categories and sources of funding, and estimated revenues of the office of Hawaiian affairs for each fiscal year of the next fiscal biennium.

(b) The board shall provide opportunities for beneficiaries in every county to participate in the preparation of each biennial and supplemental budget of the office of Hawaiian affairs. These opportunities shall include an accounting by trustees of the funds expended and of the effectiveness of programs undertaken.

(c) The office shall be subject to governmental audit.

§10- Legislative review. The legislature shall consider the board's proposed program and financial plan; evaluate alternatives to the board's recom-

mendations, and appropriate any general fund portion of the budget and any matching special fund appropriations."

SECTION 3. Section 10-15, Hawaii Revised Statutes, is amended to read as follows:

"[[[§10-15]]] **Annual report.** The board shall prepare and make public their annual report which shall include an enumeration of their activities, income, and expenditures during the year. The annual report for the previous fiscal year shall be submitted to the governor and the legislature ten days prior to the convening of each regular session of the legislature. The board shall prepare and submit special reports as may be required by the legislature."

SECTION 4. Section 10-14, Hawaii Revised Statutes, is repealed.

SECTION 5. By December 31, 1990, and December 31, 1991, the office of Hawaiian affairs shall submit a report to the legislature on the progress made in improving the management of the office and on the effectiveness of the programs of the office.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.[1]

SECTION 7. This Act shall take effect on July 1, 1992, except that SECTION 5 of this Act and the requirement that the board of trustees of the office of Hawaiian affairs shall provide opportunities for beneficiaries in every county to participate in the preparation of each biennial and supplemental budget as provided for in SECTION 2 of this Act shall take effect on July 1, 1990.

(Approved June 25, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 222

S.B. NO. 1611

A Bill for an Act Relating to Energy.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. The legislature finds that it is in the public interest to encourage the development of nonfossil fuel projects that make electric energy available to members of the general public by its sale to an electric utility serving the public. The legislature further finds that the Wailuku River Hydroelectric Power Company, Inc., a Hawaii corporation, is engaged in the development of a hydroelectric power plant project that will sell the electric energy it produces to the Hawaii Electric Light Company, Inc.

The legislature further finds that the Wailuku River Hydroelectric Power Company, Inc. may be assisted through the issuance of special purpose revenue bonds because it is an industrial enterprise pursuant to part V, chapter 39A, Hawaii Revised Statutes.

The legislature finds and declares that the issuance of special purpose revenue bonds under this part is in the public interest and for the public health, safety, and general welfare.

SECTION 2. Pursuant to part V, chapter 39A, Hawaii Revised Statutes, the department of budget and finance, with the approval of the governor, is authorized to issue in one or more series special purpose revenue bonds in a total amount not to exceed $18,000,000, for the purpose of assisting the Wailuku River Hydroelectric Power Company, Inc., or a partnership in which the Wailuku River Hydroelectric Power Company, Inc., is a general partner, for the establishment of a hydroelectric power plant and related facilities. The electrical output of this plant and facilities shall be made available for use by members of the general public by sale to the Hawaii Electric Light Company, Inc. The legislature finds and determines that the activity and facilities of the Wailuku River Hydroelectric Power Company, Inc. constitute a project as defined in part V, chapter 39A, Hawaii Revised Statutes, and the financing thereof is assistance to an industrial enterprise.

PART II

SECTION 3. The legislature finds that Hawaii is almost totally reliant on imported oil for its energy supply. Over a billion dollars is depleted from Hawaii's economy for oil and petroleum product payments.

The legislature finds that the State of Hawaii has a rich renewable energy source in geothermal energy. The legislature further finds that the establishment of a geothermal industry would contribute significantly to Hawaii's energy self-sufficiency, and to a transition from oil-based systems to alternate sources of electrical energy.

The construction and installation of geothermal projects are an integral activity in achieving energy self-sufficiency. The legislature finds that geothermal facilities constitute a project as defined in chapter 39A, part V, Hawaii Revised Statutes.

The legislature finds and declares that the issuance of special purpose revenue bonds under this part is in the public interest and for the public health, safety, and general welfare of the State.

SECTION 4. Pursuant to part V, chapter 39A, Hawaii Revised Statutes, the department of budget and finance, with the approval of the governor, is authorized to issue special purpose revenue bonds in a total amount not to exceed $7,500,000, in one or more series for the purpose of assisting Puna Geothermal Venture in financing the geothermal energy projects in Puna, Hawaii; provided that the facilities to be financed shall meet with the approval of the State of Hawaii and the County of Hawaii.

PART III

SECTION 5. The special purpose revenue bonds issued under this Act shall be issued pursuant to part V, chapter 39A, Hawaii Revised Statutes, relating to the power to issue special purpose revenue bonds to assist industrial enterprises.

SECTION 6. The authorization to issue special purpose revenue bonds under this Act shall lapse on June 30, 1995.

SECTION 7 This Act shall take effect upon its approval

(Approved June 25 1990)

ACT 223 S B NO 1630

A Bill for an Act Relating to Hospitals

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that efforts must be made to expedite and improve the delivery of health care services provided by Hawaii's public hospital system Changes in the way the State's public hospital system is operated and managed, and the restructuring of the system to allow for more health care decision-making at the hospital level involving those directly providing health care services, will improve hospital accountability

This Act directs the department of health and all other involved agencies of the State to initiate basic restructuring to foster hospital involvement and accountability in a pilot project to minimize administrative "red tape", and encourage local health care professional participation in service decision-making at the Maui Memorial Hospital and the Hilo Hospital before system-wide changes are considered

SECTION 2 The department of health, through its director, shall formulate policies for the autonomous operation of the Maui Memorial Hospital and the Hilo Hospital from July 1, 1990, to June 30, 1992 The director of health shall maintain the existing level of support services provided by the Maui Memorial Hospital and the Hilo Hospital during this period

For the purpose of this Act, the term "autonomous operation" shall mean a method of hospital management that decentralizes health care decision-making and fosters local health care professional participation at the hospital level

SECTION 3 The department of health shall formulate policy and exercise control as may be necessary to define a common set of health care goals which the Maui Memorial Hospital and the Hilo Hospital shall be responsible for fulfilling The department shall also be responsible for the formulation of standards for measuring the efforts of the Maui Memorial Hospital and the Hilo Hospital toward achieving those goals Subject to a review based on these goals and efforts, the Maui Memorial Hospital and the Hilo Hospital shall be allowed to utilize their resources in a flexible manner to achieve their objectives

SECTION 4 Any state agency, except for the state health planning and development agency, that may be required to act under state law on a matter affecting the Maui Memorial Hospital and the Hilo Hospital, shall waive otherwise applicable policies, rules, or procedures when requested to do so by the director of health unless the agency can justify to the governor a denial of the request within thirty days The department of health shall adopt procedures necessary to process waivers initiated by the hospitals subject to the pilot project

SECTION 5 The department of health may adopt rules pursuant to chapter 91, Hawaii Revised Statutes, to implement this Act

SECTION 6. In order to achieve the benefits of a decentralized and relatively unencumbered autonomous operation, the Maui Memorial Hospital and the Hilo Hospital shall be granted flexibility in the hiring of personnel, and in the collection and disbursement of funds by being exempt from the following statutory provisions during the pilot project's duration:

(1) Sections 36-27 and 36-30, Hawaii Revised Statutes, relating to special fund reimbursements to the state general fund; and
(2) Sections 103-22 and 103-42, Hawaii Revised Statutes, relating to advertising for bids and purchases to be made in Hawaii whenever public moneys are expended.

SECTION 7. The management advisory committee of each hospital shall fully participate in the pilot project.

SECTION 8. Nothing in this Act shall supersede collective bargaining agreements, civil service rules, or statutes protecting employee rights or providing employee benefits. No employee shall be adversely affected by this Act.

SECTION 9. The director of health shall submit to the governor, the president of the senate, and the speaker of the house of representatives interim status reports not less than twenty days prior to the convening of the 1991 and 1992 regular sessions and a final project completion report not less than twenty days prior to the convening of the 1993 regular session.

SECTION 10. This Act shall take effect on July 1, 1990, and shall be repealed on June 30, 1992, except section 9 which shall be repealed on January 1, 1993.

(Approved June 25, 1990.)

ACT 224 S.B. NO. 1810

A Bill for an Act Relating to a Natural Resource and Energy Authority.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the development and use of Hawaii's natural resources could result in the increased diversification of the State's economy. The legislature finds that an abundance of natural resources are available on the island of Hawaii and facilities have already been established which serve to promote the development of research and commercial uses for these natural resources. These facilities consist of state land with a research and technology park with energy and aquaculture research and demonstration projects using warm and cold sea water and solar insolation, an adjoining ocean science and technology park designed to attract commercialization projects in concert with the research facilitation activity, and a demonstration geothermal well with an attached research park for nonelectric uses of geothermal fluids.

Therefore, the legislature finds that it is in the best interest of the State to consolidate management of these facilities and activities under one administrative organization. To accomplish this, it is necessary to establish a new authority whose purpose is to manage and maintain these facilities located at Ke-ahole Point and in Puna on the island of Hawaii. These facilities were formerly known as the natural energy laboratory of Hawaii, and the Hawaii ocean science

technology park developed and managed by the high technology development corporation, both affiliated agencies of the department of business and economic development

The intent of the legislature is to consolidate the management and organization of these facilities under one authority whose main purpose will be to manage and operate research facilities It will also serve as a facilitator for the research and development process from fundamental and applied research to pilot commercial projects for developments, which utilize the natural resources available at Ke-ahole Point or Puna geothermal facilities The facilities shall provide sites for research, development, demonstration, and commercialization of natural energy resources and other compatible scientific and technological investigations The authority shall also maintain the physical structure of the facilities, provide facilities for lease to tenants who use the natural resources and energy or who support these projects and activities, and provide utilities and other support services to the tenants of those facilities

To further derive benefits from established marketing programs, the authority may continue to promote the Hawaii ocean science and technology park

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $242,106, or 0 0095 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 3 The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows

"CHAPTER
NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY

§ -1 **Definitions.** As used in this chapter, unless the context clearly requires otherwise

"Authority" means the natural energy laboratory of Hawaii authority established by section -2

"Board" means the board of directors of the authority established by section -2 and any successor thereto

"Bonds" means special purpose bonds issued under this chapter and shall include notes, other instruments of indebtedness, and refunding bonds.

"Cost" means the total cost in carrying out all undertakings that the authority deems reasonable and necessary for the development of a project or research and technology park, including but not limited to the cost of studies, surveys, plans, and specifications, architectural, design, engineering, or any other special related services, the cost of site preparation and development, demolition, construction, reconstruction, rehabilitation, and improvement; the cost of financing the project or research and technology park from the date thereof to the estimated date of completion of the project or research and technology park as determined by the board, the cost of an allocable portion of the administrative and operating expenses of the authority related to the devel-

opment of the project or research and technology park; and the cost of indemnity and surety bonds, premiums on policies of insurance, legal fees, and fees and expenses of trustees, depositories, and paying agents for the bonds, and for the issuance of letters of credit or other banking arrangements whether for the authority credit or a qualified person; all as the authority shall deem necessary.

"Project" means any combination of land and buildings and other improvements thereon for use in, but not limited to research, development, demonstration, processing, or manufacturing activities or enterprises utilizing or in support of the utilization of natural resources and geothermal energy which are located in a research and technology park and acquired, constructed, reconstructed, rehabilitated, improved, altered, or repaired by or on behalf of the authority.

"Project agreement" means any lease, sublease, loan agreement, conditional sale agreement, or other similar financing contract or agreement, or any combination thereof entered into under this chapter by the authority, including the financing from the proceeds of bonds of a project or a research and technology park.

"Public agency" means any office, department, board, commission, bureau, division, public corporation, agency, or instrumentality of the federal, state, or county government.

"Qualified person" means any individual, partnership, corporation, public agency, or any combination or association of the foregoing, possessing the competence, expertise, experience, and resources, including financial, personnel, and tangible resources, required for the purposes of a project and other qualifications as may be deemed desirable by the authority in administering this chapter and that enters into a project agreement with the authority.

"Real property" means lands, structures, and interests therein, and natural resources including water, minerals, and all things connected with land, including lands under water and riparian rights, space rights, air rights, and any and all other things and rights usually included within the term. Real property also means any and all interests in property less than fee title, such as leasehold interests, easements, incorporeal hereditaments, and every estate, interest, or right, legal or equitable, including terms for years and liens thereon by way of judgments, mortgages, or otherwise.

"Research advisory committee" means the research committee that is advisory to the board and is established by section -4 and any successor thereto.

"Research and technology park" means a tract of real property determined by the board as being suitable for use as building sites for projects engaged in research, development, demonstration, processing, or manufacturing activities or enterprises utilizing natural resources or geothermal energy. This includes, but is not limited to, research, commercialization, training, technical analyses, pilot plant, or prototype product development, and may include the installation of improvements to tracts incidental to the use of real property as a research and technology park, such as water, sewer, sewage and waste disposal, and drainage facilities, sufficient to adequately service projects in the research and technology park, and provision of incidental transportation facilities, power distribution facilities, and communication facilities. Research and technology parks shall not include any buildings or structures of any kind except for buildings or structures incidental to improvements of the research and technology park.

§ -2 Natural energy laboratory of Hawaii authority; established. (a) There is established the natural energy laboratory of Hawaii authority, which

shall be a body corporate and politic and an instrumentality and agency of the State. The authority shall be placed within the department of business and economic development for administrative purposes, pursuant to section 26-35.

(b) The governing body of the authority shall consist of a board of directors having nine voting members Three members from the general public shall be appointed by the governor for staggered terms pursuant to section 26-34, except that one of these members shall be a resident of the county of Hawaii. For the first term, one of these members shall be appointed from the board of the high technology development corporation The members shall be selected on the basis of their knowledge, interest, and proven expertise in, but not limited to, one or more of the following fields. finance, commerce and trade, corporate management, marketing, economics, engineering, energy management, real estate development, property management, aquaculture, and ocean science. The chairperson and secretary of the research advisory committee shall serve on the board The director of business and economic development, the chairperson of the board of land and natural resources, the president of the University of Hawaii, and the mayor of the county of Hawaii, or their designated representatives, shall serve as ex-officio, voting members of the board The director of business and economic development shall serve as the chairperson until such time as a chairperson is elected by the board from the membership The board shall elect other officers as it deems necessary

(c) The members of the board appointed under subsection (b) shall serve without compensation, but may be reimbursed for expenses, including travel expenses, incurred in the performance of their duties.

(d) The board shall appoint an executive director, who shall serve at the pleasure of the board and shall be exempt from chapters 76 and 77. The board shall set the salary and duties of the executive director

§ **-3 Powers of the authority.** The authority may:

(1) Sue and be sued,
(2) Have a seal and alter the same at its pleasure,
(3) Promote the use of the geothermal energy and natural resources sites for the purposes provided by law.
(4) Through its executive director appoint officers, agents and employees without regard to chapters 76 and 77 and to establish the salaries therefor,
(5) Adopt rules under chapter 91 necessary to effectuate this chapter in connection with its operation, facilities, parks, properties, and projects,
(6) Make, execute, enter into, amend, supplement, and carry out contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter with any private person, firm, partnership, association, company, or corporation only as it may be necessary in the conduct of its business and on such terms as it may deem appropriate, provided that the authority shall not obligate any funds of the State except as have been appropriated to it Notwithstanding the foregoing, the authority may enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, a foreign nation, a state, a territory, or a possession, or with any political subdivision thereof,
(7) Accept, hold, or expend gifts or grants in any form from any public agency or private source, or from any other source;

(8) Impose and collect fees pertaining to the use of properties and facilities of the authority;
(9) Formulate budgets to provide for the operation of the facilities of the authority;
(10) Submit an annual report to the governor and the legislature at least twenty days prior to the convening of each regular session;
(11) Own, lease, hold, clear, improve, and rehabilitate real, personal, or mixed property and assign, exchange, transfer, convey, lease, sublease, or encumber any project including by way of easements;
(12) Construct, reconstruct, rehabilitate, improve, alter, or repair, or provide for the construction, reconstruction, rehabilitation, improvement, alteration, or repair of any project and designate a qualified person as its agent for this purpose, and own, hold, assign, transfer, convey, exchange, lease, sublease, or encumber any project;
(13) Arrange or initiate appropriate action for the planning, replanning, opening, grading, or closing of streets, roads, roadways, alleys, easements, or other places, the furnishings or improvements, the acquisition of property or property rights, or the furnishing of property or services in connection with a research and technology park;
(14) Prepare or cause to be prepared plans, specifications, designs, and estimates of cost for the construction, reconstruction, rehabilitation, improvement, alteration, or repair of any project or research and technology park, and from time to time modify these plans, specifications, designs, or estimates;
(15) Engage the services of consultants on a contractual basis for rendering professional and technical assistance and advice;
(16) Procure insurance against any loss in connection with its properties and other assets and operations in amounts and from insurers as it deems desirable;
(17) Issue bonds pursuant to this chapter in principal amounts as may be authorized from time to time by law to finance the cost of a project, including the repair or addition to its parks and facilities as authorized by law and to provide for the security thereof as permitted by this chapter;
(18) Lend or otherwise apply the proceeds of the bonds issued for a project or a research and technology park either directly or through a trustee or a qualified person for use and application in the acquisition, construction, installation, or modification of a project or research and technology park, or agree with the qualified person whereby any of these activities shall be undertaken or supervised by that qualified person or by a person designated by the qualified person;
(19) With or without terminating a project agreement, exercise any and all rights provided by law for entry and re-entry upon or to take possession of a project at any time or from time to time upon breach or default by a qualified person under a project agreement; and
(20) Do any or all other acts reasonably necessary to carry out the purposes of the authority.

§ **-4 Research advisory committee.** The authority shall appoint a research advisory committee for the purpose of obtaining expert and specialized counsel and advice on matters relating to scientific research and may include as

members of the committee officers and employees of any government department or agency or members of the scientific community, provided that at least two members of the board shall be appointed to the committee. Members of the advisory committee shall elect the chairperson and secretary of the committee, who shall serve as members of the board The authority may assign its own staff to aid and assist the committee and may reimburse any member of the committee for necessary expenses incurred in the performance of the member's work for the authority

§ -5 **Special fund.** There is established in the state treasury a fund to be known as the natural energy laboratory of Hawaii authority special fund, into which shall be deposited all moneys and fees from tenants or other users of the authority's parks, projects, other leased facilities, and other services and publications All moneys in the fund are appropriated for the purposes of and shall be expended by the authority for the operation, maintenance, and management of its parks, projects, facilities, services, and publications

§ -6 **Meetings of the board.** (a) The meetings of the board shall be open to the public as provided in section 92-3, except that when it is necessary for the board to receive information that is proprietary to a particular enterprise that seeks entry into or use of one of its facilities or the disclosure of which might be harmful to the business interest of the enterprise, the board may enter into an executive meeting that is closed to the public

(b) The board shall be subject to the procedural requirements of 92-4, and this authorization shall be in addition to the exceptions listed in section 92-5, to enable the authority to respect the proprietary requirements of enterprises with which it has business dealings

§ -7 **Exemption of authority from taxation and competitive bidding.** (a) All revenues and receipts derived by the authority from any project or research and technology park or under a project agreement or other agreement pertaining thereto shall be exempt from all state taxation Any right, title, and interest of the authority in any project or research and technology park shall also be exempt from all state taxation. Except as otherwise provided by law, the interest of a qualified person or other user of a project or research and technology park under a project agreement or other agreements related to a project or research and technology park shall not be exempt from taxation to a greater extent than it would be if the costs of the project or research and technology park were directly financed by the qualified person or user

(b) The authority shall not be subject to any requirement of law for competitive bidding, including the requirements of section 103-22 and 103-42, for project agreements, construction contracts, or other contracts unless a project agreement with respect to a project or research and technology park shall require otherwise

§ -8 **Assistance by state and county agencies.** Every state or county agency may render services to the authority upon request of the authority

§ -9 **Court proceedings; preferences.** Any action or proceeding to which the authority, the State, or a county may be a party, in which any question arises as to the validity of this chapter, shall be preferred over all other civil causes, except election cases, without respect to position on the calendar. The same preference shall be given upon application of counsel for the authority in any

action or proceeding questioning the validity of this chapter in which the authority has duly intervened."

SECTION 4. Chapter 227, Hawaii Revised Statutes, is repealed.

SECTION 5. In the event that an officer or employee of the natural energy laboratory of Hawaii is hired as an employee of the State or its agencies, the officer or employee shall not suffer the loss of prior service credit, accrued vacation, or sick leave, or other employee benefits or privileges which may accrue.

SECTION 6. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the natural energy laboratory of Hawaii, and by the high technology development corporation relating to the functions of the Hawaii ocean science and technology park, shall be transferred by this Act to the natural energy laboratory of Hawaii authority with the functions to which they relate.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii, the sum of $242,106, or so much thereof as may be necessary for fiscal year 1990-1991, for research, operation and maintenance, miscellaneous services to tenants, and salaries and office expenses of the authority's staff.

SECTION 8. The sum appropriated shall be expended by the department of business and economic development for the purposes of this Act.

SECTION 9. This Act shall take effect on July 1, 1990.

(Approved June 25, 1990.)

ACT 225 S.B. NO. 2102

A Bill for an Act Relating to Midwives.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to implement the recommendations of the legislative auditor in the auditor's sunset evaluation report. The report reviewed state laws that authorize the licensing of midwives by the department of health. The legislature agrees with the auditor's finding that the regulation of midwives should continue since the public's health and safety is dependent on qualified and competent midwives.

SECTION 2. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

"**§26H-4 Repeal dates.** (a) The following chapter and sections are hereby repealed effective December 31, 1990:

(1) Chapter 466J (Board of Radiologic Technology)
(2) Sections 321-13 to 321-15 ([midwives,] laboratory directors, laboratory technologists, laboratory supervisors, laboratory technicians, tattoo artists, electrologists, and sanitarians)

(b) The following chapters are hereby repealed effective December 31, 1991:

(1) Chapter 447 (Dental Hygienists)
(2) Chapter 453 (Board of Medical Examiners)
(3) Chapter 457 (Board of Nursing)
(4) Chapter 458 (Board of Dispensing Opticians)
(5) Chapter 460J (Pest Control Board)
(6) Chapter 462A (Pilotage)
(7) Chapter 438 (Board of Barbers)
(8) Chapter 468K (Travel Agencies)

(c) The following chapters are hereby repealed effective December 31, 1992:

(1) Chapter 448H (Elevator Mechanics Licensing Board)
(2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
(3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
(4) Chapter 460 (Board of Osteopathic Examiners)
(5) Chapter 461 (Board of Pharmacy)
(6) Chapter 461J (Board of Physical Therapy)
(7) Chapter 463E (Podiatry)
(8) Chapter 467D (Social Workers)

(d) The following chapters are hereby repealed effective December 31, 1993:

(1) Chapter 437 (Motor Vehicle Industry Licensing Board)
(2) Chapter 437B (Motor Vehicle Repair Industry Board)
(3) Chapter 440 (Boxing Commission)
(4) Chapter 446 (Debt Adjusters)
(5) Chapter 436E (Board of Acupuncture)

(e) The following sections are hereby repealed effective December 31, 1993:

(1) Sections 445-21 to 38 (Auctions)
(2) Sections 445-131 to 136 (Pawnbrokers)
(3) Sections 445-171 to 172 (Secondhand Dealers)
(4) Sections 445-231 to 235 (Scrap Dealers)

(f) The following chapters are hereby repealed effective December 31, 1994:

(1) Chapter 441 (Cemetery and Funeral Trusts)
(2) Chapter 443B (Collection Agencies)
(3) Chapter 452 (Board of Massage)
(4) Chapter 455 (Board of Examiners in Naturopathy)
(5) Chapter 459 (Board of Examiners in Optometry)
(6) Chapter 442 (Board of Chiropractic Examiners)
(7) Chapter 373 (Commercial Employment Agencies)
(8) Chapter 448 (Board of Dental Examiners)
(9) Chapter 465 (Board of Psychology)
(10) Chapter 468E (Speech Pathology and Audiology)

(g) The following chapters are hereby repealed effective December 31, 1995:

(1) Chapter 439 (Board of Cosmetology)
(2) Chapter 444 (Contractors License Board)
(3) Chapter 448E (Board of Electricians and Plumbers)
(4) Chapter 454 (Mortgage Brokers and Solicitors)
(5) Chapter 454D (Real Estate Collection Servicing Agents)

(6) Chapter 464 (Professional Engineers, Architects, Surveyors and Landscape Architects)
(7) Chapter 466 (Board of Public Accountancy)
(8) Chapter 467 (Real Estate Commission)

(h) The following laws are hereby repealed effective December 31, 1996: Part , chapter 321 (Midwives)

[(h)] (i) The following chapters are hereby repealed effective December 31, 1997:

(1) Chapter 463 (Board of Private Detectives and Guards)
(2) Chapter 471 (Board of Veterinary Examiners)."

SECTION 3. Chapter 321, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . MIDWIVES

§321- **Findings and purpose.** The legislature recognizes the need for the safe and effective delivery of newborn babies and the health, safety, and welfare of their mothers in the delivery process. The legislature finds that the interests of public health require the regulation of the practice of midwifery in this State for the purpose of protecting the health and welfare of mothers and infants.

§321- **Definitions.** As used in this part:

"Department" means the department of health.

"Director" means the director of health.

"Midwife" means a person who is licensed under this part to practice midwifery.

"Midwifery" means the care and management of essentially normal newborns and women before, during, and after pregnancy and childbirth, and includes the provision of normal obstetrical and gynecological services and the rendering, undertaking, or providing of such care, management, or services, regardless of whether compensation or profit is received.

"Normal" means without significant medical complications or injury to the mother or child.

"Physician" means a person licensed to practice medicine as authorized in chapter 453.

§321- **License required.** Except as otherwise provided by law, no person, other than a physician, shall engage or hold themselves out as practicing midwifery without first obtaining and holding a valid license to do so in accordance with this part and any rules adopted by the department.

§321- **Qualifications for licensing.** A person shall meet the following requirements in order to qualify for a license to practice as a midwife:

(1) Licensure as a registered nurse under chapter 457; and
(2) Certification to practice midwifery by the American College of Nurse-Midwives.

§321- **Fees.** No license shall be issued unless all fees required by the director have been paid.

§321- **Regulation of midwives.** (a)[1] The director shall adopt rules in accordance with this part and pursuant to chapter 91 to implement the purposes

of this part and as may be necessary to safeguard the health and safety of the mother and child. The rules shall include, but shall not be limited to:

(1) Procedures for maintaining a safe and hygienic environment, monitoring the progress of labor and the status of the fetus, recognizing early signs of distress or complications, referring complications to a physician, and preparing an emergency care plan to ensure continuity of medical care throughout labor and delivery and to provide for immediate medical care if an emergency arises;

(2) Providing that midwives shall practice in accordance with a mutually agreed upon written guideline/protocol for clinical practice with a physician who specializes in the field of gynecology or obstetrics, or a physician or group of physicians who have a formal consultative arrangement with a gynecologist or obstetrician;

(3) The allowable scope of midwifery practice regarding use of equipment, procedures, and medication; and

(4) Procedures for the issuance and renewal of licenses.

§321- Disciplinary actions; penalties. (a) The following acts shall be grounds for disciplinary action:

(1) Procuring or attempting to procure a license to practice midwifery by fraud, misrepresentation, deceit, or bribery;

(2) Engaging in unprofessional conduct, which includes, but is not limited to, any departure from, or the failure to conform to, the standards of practice of midwifery as established by the director, or as provided by the statement of functions, standards, and qualification of the American College of Nurse-Midwives;

(3) Advertising falsely, fraudulently, or deceptively;

(4) Being unable to practice midwifery with reasonable skill and safety to patients by reason of illness, drunkenness, or use of drugs, narcotics, chemicals, or other materials, or as a result of any mental or physical condition;

(5) Wilfully or repeatedly violating any provision of this part, any rule, or any lawful order of the department previously entered in a disciplinary proceeding;

(6) Loss of licensure, for any reason, to practice as a registered nurse in the State of Hawaii; and

(7) Having a license to practice midwifery revoked, suspended, or otherwise acted against, including being denied licensure, by the licensing authority of another state, territory, or country.

(b) When the department finds any person guilty of any of the grounds set forth in subsection (a), it may enter an order imposing one or more of the following penalties:

(1) Refusal to approve an application for licensure;

(2) Revocation or suspension of a license;

(3) Imposition of an administrative fine not to exceed $1,000 for each separate offense;

(4) Issuance of a reprimand; or

(5) Placement of the licensee on probation for a period of time and subject to conditions the department may specify, including, but not limited to, requiring the midwife to undertake further relevant education or training approved by the American College of Nurse-Midwives, or supervision of the licensee by a physician.

(c) All actions under this section shall be taken only after notice and opportunity for hearing as provided in chapter 91.

§321- **Violations; penalties.** It shall be a misdemeanor for any person to:
(1) Practice midwifery, unless holding a valid license to do so;
(2) Use or attempt to use a license which has been suspended or revoked;
(3) Use in connection with the person's name any designation tending to imply that the person is a licensed midwife unless licensed to practice under this part;
(4) Knowingly permit or assist an unlicensed person to practice midwifery;
(5) Knowingly conceal information relating to the enforcement of this part [or rules adopted pursuant to it][1]; or
(6) Otherwise violate any provisions of this part."

SECTION 4. Section 321-13, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The department of health with the approval of the governor, may prescribe such rules as it deems necessary for the public health or safety respecting:
(1) The occupations or practices of [midwives,] laboratory directors, laboratory technologists, laboratory supervisors, laboratory technicians, tattoo artists, electrologists, sanitarians, asbestos inspectors, asbestos management planners, and asbestos abatement project designers;
(2) The health, education, training, experience, habits, qualifications, or character of persons to whom certificates of registration or permits for [such] those occupations or practices may be issued;
(3) The health, habits, character, practices, standards, or conduct of persons holding [such] those certificates or permits; or
(4) The grounds or causes for revoking or suspending [such] those certificates or permits.

[Such] The rules shall have the force and effect of law."

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Note

1. So in original.

ACT 226 S.B. NO. 2119

A Bill for an Act Relating to Universities and Colleges.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 446E, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§446E- **Registration.** Any unaccredited institution shall register with the department of commerce and consumer affairs in a manner established by rules adopted pursuant to chapter 91. The department may request, as part of the registration process, copies of any contracts, brochures, catalogues, or similar materials which are distributed to prospective students

§446E- **Prohibited practices.** No unaccredited institution shall refer to registration under this chapter, compliance with the requirements of this chapter, or to any agency or employee of the State in a manner which suggests that the State licenses, approves, or regulates its operations "

SECTION 2 Section 446E-2, Hawaii Revised Statutes, is amended to read as follows

"[[]§446E-2[]] **Disclosure.** (a) Any [degree granting institution which is not a fully accredited institution] unaccredited institution shall disclose in all [communications addressed to the general public or to potential students, and in contracts to furnish instruction,] catalogs, promotional materials and written contracts for instruction, the fact that the institution is not fully accredited by any nationally recognized accrediting agency or association listed by the United States Commissioner of Education The unaccredited institution shall disclose whether it is provisionally accredited, or is a candidate for accreditation. The accrediting agency or association shall be identified [In all written communications, and contracts for instruction, the] The disclosure shall be made in boldface print and in a manner reasonably calculated to draw the attention of the reader and shall read substantially as follows

(Name of Degree Granting Institution) IS NOT ACCREDITED BY A RECOGNIZED ACCREDITING AGENCY OR ASSOCIATION RECOGNIZED BY THE UNITED STATES COMMISSIONER OF EDUCATION.

(b) Every unaccredited institution subject to this chapter shall, in accordance with the rules prescribed by the department, keep true and accurate records of student enrollment, courses, fees, and matriculation rates Upon demand, these records shall be made available to the department for inspection Such records shall be retained for a period of five years "

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 4 This Act shall take effect upon its approval

(Approved June 25, 1990)

Note

1 Edited pursuant to HRS §23G-16 5

ACT 227 S.B. NO. 2204

A Bill for an Act Relating to Mandatory Health Insurance Coverage.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 23-51, Hawaii Revised Statutes, is amended to read as follows:

"**[]§23-51[] Proposed mandatory health insurance coverage; impact assessment report.** Before any legislative measure that mandates health insurance coverage for specific health services, specific diseases, or for certain providers of health care services as part of individual or group health insurance policies, can be considered, there shall be concurrent resolutions passed requesting the legislative auditor to [conduct] prepare and submit to the legislature a report that assesses both the social and financial effects of the proposed mandated coverage. For purposes of this part, mandated health insurance coverage shall not include mandated optionals."

SECTION 2. Section 23-52, Hawaii Revised Statutes, is amended to read as follows:

"**[]§23-52[] Assessment report; contents.** The report required under section 23-51 for assessing the impact of a proposed mandate of health coverage shall include at the minimum and to the extent that information is available, the following:

(1) The social impact.
   (A) The extent to which the treatment or service is generally utilized by a significant portion of the population;
   (B) The extent to which such insurance coverage is already generally available;
   (C) If coverage is not generally available, the extent to which the lack of coverage results in persons being unable to obtain necessary health care treatment;
   (D) If the coverage is not generally available, the extent to which the lack of coverage results in unreasonable financial hardship on those persons needing treatment;
   (E) The level of public demand for the treatment or service;
   (F) The level of public demand for individual or group insurance coverage of the treatment or service;
   (G) The level of interest of collective bargaining organizations in negotiating privately for inclusion of this coverage in group contracts; [and]
   (H) [The impact of indirect costs which are costs other than premiums and administrative costs, on the question of the costs and benefits of coverage.] The impact of providing coverage for the treatment or service (such as morbidity, mortality, quality of care, change in practice patterns, provider competition, or related items); and
   (I) The impact of any other indirect costs upon the costs and benefits of coverage as may be directed by the legislature or deemed necessary by the auditor in order to carry out the intent of this section.
(2) The financial impact.

(A) The extent to which insurance coverage of the kind proposed would increase or decrease the cost of the treatment or service;
(B) The extent to which the proposed coverage might increase the use of the treatment or service,
(C) The extent to which the mandated treatment or service might serve as an alternative for more expensive treatment or service,
(D) The extent to which insurance coverage of the health care service or provider can be reasonably expected to increase or decrease the insurance premium and administrative expenses of policyholders, and
(E) The impact of this coverage on the total cost of health care."

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval.

(Approved June 25 1990)

ACT 228 S.B NO. 2223

A Bill for an Act Relating to Sales of Seafood.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 188-40, Hawaii Revised Statutes, is amended to read as follows

"**§188-40 Minimum sizes of fish.** It shall be unlawful for any person to sell, or offer for sale, or for any peddler or dealer in fish to have in the peddler's or dealer's possession, any [(1) aholehole]:

(1) Aholehole or manini less than five inches in length[, or (2) mullet,],
(2) Mullet, moi, weke, moana, or kumu less than seven inches in length[, or (3) awa,],
(3) Awa, oio, kala, or opelu kala less than nine inches in length[, or (4) opakapaka,],
(4) Opakapaka, ulaula, uku, ulua or papio, uhu, or squid less than one pound in weight[, or (5) kuahonu];
(5) Kuahonu crab or Kona crab less than four inches in length or in width across or along its back[, or (6) clams],
(6) Clams less than one and one-half inches measured the long way[.], or
(7) Ahi less than three pounds in weight."

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval.

(Approved June 25, 1990)

ACT 229 S.B. NO. 2235

A Bill for an Act Relating to Motor Vehicles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Act 299, 1989 Session Laws, is amended by amending Section 4 to read as follows:

"SECTION 4. Act 233, 1988 Session Laws, is amended by amending Section 5 to read as follows:

"SECTION 5. This Act shall take effect upon its approval; provided that the new bonding requirements provided in Section 1 shall be repealed on July 1, [1990] 1992 and section 437-17(a) shall be enacted[1] in the form in which it read immediately prior to the approval of this Act." "

SECTION 2. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Note

1. So in original.

ACT 230 S.B. NO. 2252

A Bill for an Act Relating to Agricultural Loans.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 155-9, Hawaii Revised Statutes, is amended to read as follows:

"**§155-9 Classes of loans; purposes, terms, eligibility.** (a) Loans made under this chapter shall be for the purposes and in accordance with the terms specified in classes "A" through "F" in [the paragraphs following] this section and shall be made only to applicants who meet the eligibility requirements specified therein and except as to class "B" loans to associations and class "E" loans, the eligibility requirements specified in section 155-10. The maximum amount of a loan for class "A", "C", "D", and "F" loans to an individual applicant shall also apply to any loan application submitted by a partnership, corporation, or other entity, and for the purpose of determining whether the maximum loan amount to any individual will be exceeded, outstanding loans to any partnership, corporation, or other entity in which such individual has a legal or equitable interest in excess of twenty per cent shall be taken into account.

[(1)] (b) Class A: Farm ownership and improvement loans[. To] shall provide for:

[(A)] (1) The purchase or improvement of farm land;

[(B)] (2) The purchase, construction, or improvement of adequate farm dwellings, and other essential farm buildings; and

[(C)] (3) The liquidation of indebtedness incurred for any of the foregoing purposes.

[Such] The loans shall be for an amount not to exceed [$100,000] $400,000 and for a term not to exceed forty years. To be eligible, the applicant shall (A)

derive, or present an acceptable plan to derive, a major portion of the applicant's income from and devote, or intend to devote, most of the applicant's time to farming operations, (B) have or be able to obtain the operating capital, including livestock and equipment, needed to successfully operate the applicant's farm

[(2)] (c) Class B Soil and water conservation loans[To] shall provide for

[(A)] (1) Soil conservation practices,

[(B)] (2) Water development, conservation, and use,

[(C)] (3) Drainage, and

[(D)] (4) The liquidation of indebtedness incurred for any of the foregoing purposes.

[Such] The loans shall be for an amount not to exceed $35,000 to an individual or $200,000 to an association and shall be for a term not to exceed twenty years for a loan to an individual and forty years to an association To be eligible, an individual applicant shall have sufficient farm and other income to pay for farm operating and living expenses and to meet payments on the applicant's existing debts, including the proposed soil and water conservation loan. An association, to be eligible, shall be a nonprofit organization primarily engaged in extending services directly related to the purposes of the loan to its members, and at least sixty per cent of its membership shall meet the eligibility requirements specified in section 155-10

[(3)] (d) Class C Farm operating loans[To carry] shall be for the purpose of carrying on and [improve] improving a farming operation, including

[(A)] (1) The purchase of farm equipment and livestock,

[(B)] (2) The payment of production and marketing expenses including materials, labor, and services,

[(C)] (3) The payment of living expenses, and

[(D)] (4) The liquidation of indebtedness incurred for any of the foregoing purposes

[Such] The loans shall be for an amount not to exceed [$100,000] $400,000 and for a term not to exceed ten years. To be eligible, an applicant shall derive, or present an acceptable plan to derive, a major portion of the applicant's income from and devote, or intend to devote, most of the applicant's time to farming operations

[(4)] (e) Class D Emergency loans[To provide] shall be for the purpose of providing relief and rehabilitation to qualified farmers without limit as to purpose.

[(A)] (1) In areas stricken by extraordinary rainstorms, windstorms, droughts, tidal waves, earthquakes, volcanic eruptions, and other natural catastrophes,

[(B)] (2) On farms stricken by livestock disease epidemics and crop blights,

[(C)] (3) On farms seriously affected by prolonged shipping and dock strikes,

[(D)] (4) During economic emergencies caused by overproduction, excessive imports, and the like, and

[(E)] (5) During other emergencies as determined by the board of agriculture

The maximum amounts and period for [such] the loans shall be determined by the board of agriculture, provided that the board shall require that any settlement or moneys received by qualified farmers as a result of an emergency declared under this section shall first be applied to the repayment of an emergency loan made under this chapter.

[(5)] (f) Class E Loans to cooperatives and corporations[. To] shall provide credit to farmers' cooperative associations and corporations engaged in

marketing, purchasing, and processing, and providing farm business services, including:

[(A)] (1) Facility loans to purchase or improve land, building, and equipment for an amount not to exceed $500,000 and a term not to exceed twenty years; and

[(B)] (2) Operating loans to finance inventories of supplies, warehousing, and shipping commodities, extension of consumer credit to justified farmer-members, and other normal operating expenses for an amount not to[1] exceed $300,000 and a term not to exceed three years.

To be eligible, a cooperative or corporation shall have at least seventy-five per cent of its board of directors and seventy-five per cent of its membership as shareholders who meet the eligibility requirements of section 155-10 and who devote most of their time to farming operations, and [such] the facility loans shall be for an amount not to exceed $500,000 or eighty per cent of the cost of the project, whichever is the lesser.

[(6)] (g) Class F: Loans for new farmer programs[. To] shall provide for costs of a new farm enterprise for qualified new farmers:

[(A)] (1) Initial loans made under this class shall be for purposes and in accordance with the terms specified in classes "A" and "C" only, and shall be made only for full-time farming. [Such] The loans shall be made for an amount not to exceed $100,000 or eighty-five per cent of the cost of the project, whichever is the lesser;

[(B)] (2) Any subsequent loan shall be made from classes [(A)] "A" to [(D).] "D", respectively, depending upon the purpose for which the loan funds are used; and

[(C)] (3) Borrowers shall comply with such special term loan agreements as may be required by the department and shall take such special training courses as the department deems necessary."

SECTION 2. Section 155-11, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) For purposes of class "A"[,] loans, no loan shall exceed eighty-five per cent of the value of the security offered. For purposes of class "B"[,] and class "E" facility loans, no loan shall exceed eighty-five per cent of the value of the security offered[; for]. For purposes of class "C" loans and class "E" operating loans, the ratio of loan to the value of the security offered shall be discretionary with the department[; for]. For purposes of class "D" loans, the department [may], with the approval of the governor, may modify or waive any or all security requirements or any limitation with respect thereto."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Note

1. So in original.

ACT 231

S B NO 2273

A Bill for an Act Relating to Officers and Employees of the Office of Hawaiian Affairs

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 10-12, Hawaii Revised Statutes, is amended to read as follows

"**[|§10-12|] Assistant; staff.** The administrator may employ and retain such officers and employees as may be necessary[, subject to the approval of the board,] to carry out the functions of the office Such officers and employees may be hired without regard to chapters 76 and 77, and shall serve at the pleasure of the administrator Officers and employees of the office of Hawaiian affairs shall be included in any benefit program generally applicable to officers and employees of the State '

SECTION 2 Statutory material to be repealed is bracketed

SECTION 3 This Act shall take effect on July 1, 1990

(Approved June 25 1990)

ACT 232

S B NO 2275

A Bill for an Act Relating to Compensation of the Office of Hawaiian Affairs Officers and Employees

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Act 197, Session Laws of Hawaii 1989, appropriated funds for salary increases and other cost adjustments for state officers and employees excluded from collective bargaining, but inadvertently omitted funding for officers and employees of the office of Hawaiian affairs

The purpose of this Act is to allow the trustees of the office of Hawaiian affairs to adjust the salary of the administrator, and to allow the administrator to adjust the salaries of the deputy administrator of the office of Hawaiian affairs and of officers and employees of the office of Hawaiian affairs excluded from collective bargaining

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $67 176, or 0 0026 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act

SECTION 3 There are appropriated or authorized from the source of funding indicated below the following sums, or so much thereof as may be necessary for fiscal year 1990-1991, to fund salary increases for the administrator

and deputy administrator of the office of Hawaiian affairs and for officers and employees of the office of Hawaiian affairs excluded from collective bargaining:

General Funds	$67,176
Special Funds	$67,176

SECTION 4. The sums appropriated or authorized shall be expended by the office of Hawaiian affairs for the purposes of this Act.

SECTION 5. Salary increases provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 6. This Act shall take effect on July 1, 1990.

(Approved June 25, 1990.)

ACT 233 S.B. NO. 2279

A Bill for an Act Relating to Civil Service Law and Exemptions.

Be It Enacted by the Legislature of the State of Hawaii:

Section 1. Section 76-16, Hawaii Revised Statutes, is amended to read as follows:

"**§76-16 Civil service and exemptions.** The civil service to which this part applies comprises all positions in the State now existing or hereafter established and embraces all personal services performed for the State, except the following:

(1) Commissioned and enlisted personnel of the Hawaii national guard as such, and positions in the Hawaii national guard that are required by state or federal laws or regulations or orders of the national guard to be filled from those commissioned or enlisted personnel;
(2) Positions filled by persons employed by contract where the director of personnel services has certified that the service is special or unique or is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform the services[1] cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year;
(3) Positions of a temporary nature needed in the public interest where the need for the position does not exceed one year, but before any person may be employed to render the temporary service, the director shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable;
(4) Positions filled by the legislature or by either house or any committee thereof;
(5) Employees in the office of the governor and household employees at Washington Place;
(6) Positions filled by popular vote;

(7) Department heads, officers, and members of any board, commission, or other state agency whose appointments are made by the governor or are required by law to be confirmed by the senate,

(8) Judges, referees, receivers masters, jurors, jury commissioners, notaries public, land court examiners, court commissioners, and attorneys appointed by a state court for a special temporary service,

(9) One bailiff for the chief justice of the supreme court who shall have the powers and duties of a court officer and bailiff under section 606-14, one secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court, three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court and each judge of the intermediate appellate court, and one law clerk for each judge of the circuit court and the administrative judge of the district court of the first circuit [(provided that the law clerk for a judge of the circuit court shall be employed in lieu of and shall have the powers and duties of a court officer and bailiff under section 606-14)], sheriff first deputy sheriff, and second deputy sheriff and one private secretary for the administrative director of the courts, the deputy administrative director of the courts, each department head, each deputy or first assistant, and each additional deputy, or assistant deputy, or assistant defined in paragraph (16),

(10) First deputy and deputy attorneys general, the administrative services manager of the department of the attorney general, one secretary for the administrative services manager, an administrator and any support staff for the criminal and juvenile justice resources coordination functions, and law clerks,

(11) Teachers, principals, vice-principals district superintendents, chief deputy superintendents, other certificated personnel and not more than twenty noncertificated administrative, professional and technical personnel not engaged in instructional work in the department of education, the special assistant to the state librarian, one secretary for the special assistant to the state librarian, and members of the faculty of the University of Hawaii, including research workers, extension agents, personnel engaged in instructional work, and administrative professional and technical personnel of the university,

(12) Employees engaged in special research or demonstration projects approved by the governor

(13) Positions filled by inmates kokuas patients of state institutions person with severe physical or mental handicaps participating on the work experience training programs and students and positions filled through federally funded programs which provide temporary public service employment such as the federal Comprehensive Employment and Training Act of 1973,

(14) A custodian or guide at Iolani Palace, Royal Mausoleum and Hulihee Palace,

(15) Positions filled by persons employed on a fee, contract, or piecework basis who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State

(16) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, Article V, of the State Constitution; three additional deputies or assistants either in charge of the highways, harbors, and airports divisions or other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor; one additional deputy to administer all hospitals within the jurisdiction of the department of health; one additional deputy in the department of health to administer all environmental health programs within the jurisdiction of the department; one additional deputy in the department of human services either in charge of welfare or other functions within the department as may be assigned by the director of human services; four additional deputies in the department of health in charge of administration or other functions within the department as may be assigned by the director of health with the approval of the governor; one additional deputy in the department of business and economic development to perform the duties assigned by the director of business and economic development and approved by the governor; one additional deputy in the department of budget and finance to perform the duties assigned by the director of finance and approved by the governor[1] one additional deputy within the department of land and natural resources to perform the duties to be assigned by the chairperson of the board of land and natural resources; one additional deputy in the department of taxation to perform the duties assigned by the director of taxation and approved by the governor; and an administrative assistant to the superintendent of education;

(17) Positions specifically exempted from this part by any other law; provided that all of the positions defined by paragraph (9) shall be included in the position classification plan;

(18) Positions in the state foster grandparent program and positions for temporary employment or[1] senior citizens in occupations in which there is a severe personnel shortage or in special projects;

(19) Household employees at the official residence of the president of the University of Hawaii;

(20) Employees in the department of education engaged in the supervision of students during lunch periods and in the cleaning of classrooms after school hours on a less than half-time basis;

(21) Employees hired under the tenant hire program of the Hawaii housing authority; provided that no more than twenty-six per cent of the authority's work force in any housing project maintained or operated by the authority shall be hired under the tenant hire program;

(22) Positions of the federally funded expanded food and nutrition program of the University of Hawaii which require hiring of nutrition program assistants who live in the areas they serve;

(23) Positions filled by severely handicapped persons who are certified by the state vocational rehabilitation office that they are able to perform safely the duties of the positions; and

(24) One public high school student to be selected by the Hawaii state student council as a nonvoting member on the board of education as authorized by the State Constitution.

The director shall determine the applicability of this section to specific positions.

Nothing in this section shall be deemed to affect the civil service status of any incumbent as it existed on July 1, 1955."

SECTION 2. Section 76-77, Hawaii Revised Statutes, is amended to read as follows:

"**§76-77 Civil service and exemptions.** The civil service to which this part applies comprises all positions in the public service of each county, now existing or hereafter established, and embraces all personal services performed for each county, except the following:

(1) Positions in the office of the mayor, but the positions shall be included in the position classification plan;
(2) Positions of officers elected by public vote, positions of heads of departments and positions of one first deputy or first assistant of heads of departments;
(3) Positions of deputy county attorneys, deputy corporation counsel, deputy prosecuting attorneys, and law clerks;
(4) Positions of members of any board, commission, or agency;
(5) Positions filled by students, positions filled through federally funded programs which provide temporary public service employment such as the federal Comprehensive Employment and Training Act of 1973, and employees engaged in special research or demonstration projects approved by the mayor, for which projects federal funds are available;
(6) Positions of district judges, jurors, jury commissioners, and witnesses;
(7) Positions filled by persons employed by contract where the personnel director has certified and where such certification has received the approval of the commission that the service is special or unique, is essential to the public interest and that because of the circumstances surrounding its fulfillment, personnel to perform the service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year;
(8) Positions of a temporary nature needed in the public interest where the need for the same does not exceed ninety days, but before any person may be employed to render such temporary service the director shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable, provided that the employment of any person for service of a temporary nature may be extended for good cause for an additional period not to exceed ninety days upon similar certification by the director, approved by the commission;
(9) Positions of temporary election clerks in the office of the county clerk employed during election periods;
(10) Positions specifically exempted from this part by any other state statutes;
(11) Positions of one private secretary of heads of departments but such positions shall be included in the position classification plan;
(12) Positions filled by persons employed on a fee, contract, or piecework basis who may lawfully perform their duties concurrently with their private business or profession or other private employment, if any, and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the portion of

time devoted to the service of the county and that fact is certified to by the director;

(13) Positions filled by the severely handicapped persons who are certified by the state vocational rehabilitation office that they are able to safely perform the duties of the positions; and

(14) [Positions funded under the housing and urban development (HUD) section 8 housing assistance program which positions may be for the duration of the federal funding contract allocation; provided that this exemption shall not preclude each county from allocating general funds for these positions and establishing these positions as civil service positions.] Positions of the housing and community development office or department of each county; provided that this exemption shall not preclude each county from establishing these positions as civil service positions.

The director shall determine the applicability of this section to specific positions and the director shall determine whether or not positions excluded by paragraphs (7) and (8) of this section shall be included in the position classification plan.

Nothing in this section shall be deemed to affect the civil service status of any incumbent, private secretary of heads of departments as it existed on May 7, 1977."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Note

1. So in original.

ACT 234 S.B. NO. 2284

A Bill for an Act Relating to Dependent Adult Protective Services.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Act 381, Session Laws of Hawaii 1989, is amended by amending §346- of Section 1 to read as follows:

"§346- Definitions.

"Abuse" means actual or imminent physical injury, psychological abuse or neglect, sexual abuse, financial exploitation, negligent treatment, or maltreatment as further defined in this chapter.

Abuse occurs where:

(1) Any dependent adult exhibits evidence of:
   (A) Substantial or multiple skin bruising or any other internal bleeding;
   (B) Any injury to skin causing substantial bleeding;
   (C) Malnutrition;
   (D) A burn or burns;
   (E) Poisoning;
   (F) The fracture of any bone;

(G) A subdural hematoma,
(H) Soft tissue swelling;
(I) Extreme physical pain, or
(J) Extreme mental distress which includes a consistent pattern of actions or verbalizations including threats, insults, or harassment, that humiliates, provokes, intimidates, confuses, and frightens the dependent adult,

and the injury is not justifiably explained, or where the history given is at variance with the degree or type of injury, or circumstances indicate that the injury is not the product of an accidental occurrence,

(2) Any dependent adult has been the victim of non-consensual sexual contact or conduct, including but not limited to
(A) Sexual assault, molestation, sexual fondling, incest, prostitution,
(B) Obscene or pornographic photographing, filming, or depiction, or
(C) Other similar forms of sexual exploitation;
(3) Any dependent adult is not provided in a timely manner with adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision;
(4) Any dependent adult is provided with dangerous, harmful, or detrimental drugs as defined by section 712-1240, however, this paragraph shall not apply when such drugs are provided to the dependent adult pursuant to the direction or prescription of a practitioner, as defined in section 712-1240,
(5) There has been a failure to exercise that degree of care toward a dependent adult which a reasonable person with the responsibility of a caregiver would exercise, including, but not limited to, failure to
(A) Assist in personal hygiene,
(B) Provide necessary food, shelter, and clothing;
(C) Provide necessary health care, access to health care, or prescribed medication,
(D) Protect a dependent adult from health and safety hazards, or
(E) Protect against acts of abuse by third parties,
(6) Any dependent adult appears to lack sufficient understanding or capacity to make or communicate responsible decisions concerning the dependent adult's person, and appears to be exposed to a situation or condition which poses an imminent risk of death or risk of serious physical harm, or
(7) There is financial and economic exploitation [in addition to other manifestations of abuse as enumerated herein] For the purpose of this part, "financial and economic exploitation" means the wrongful or negligent taking, withholding, misappropriation, or use of a dependent adult's money, real property, or personal property "Financial and economic exploitation" can include but is not limited to.
(A) Breaches of fiduciary relationships such as the misuse of a power of attorney or the abuse of guardianship privileges, resulting in the unauthorized appropriation, sale, or transfer of property,
(B) The unauthorized taking of personal assets;

(C) The misappropriation, misuse, or transfer of moneys belonging to the dependent adult from a personal or joint account; or

(D) The intentional or negligent failure to effectively use a dependent adult's income and assets for the necessities required for the person's support and maintenance.

The exploitations[1] may involve coercion, manipulation, threats, intimidation, misrepresentation, or exertion of undue influence.

"Capacity" means the ability to understand and appreciate the nature and consequences of making decisions concerning one's person or to communicate such decisions.

"Court" means the family court having jurisdiction over a matter under this part.

"Department" means the department of human services and its authorized representatives.

"Dependent adult" means any adult who, because of mental or physical impairment is dependent upon another person, a care organization, or a care facility for personal health, safety, or welfare.

"Emergency medical treatment" means those services necessary to maintain a person's physical health and without which there is a reasonable belief that the person will suffer irreparable harm or death.

"Imminent abuse" means that there exists reasonable cause to believe that abuse will occur or recur within the next ninety days.

"Party" means those persons, care organizations, or care facilities entitled to notice of proceedings under sections 346- and 346- , including any state department or agency that is providing services and treatment to a dependent adult in accordance with a protective services plan.

"Protective services plan" means a specific written plan, prepared by the department, setting forth the specific services and treatment to be provided to a dependent adult."

SECTION 2. Act 381, Session Laws of Hawaii 1989, is amended by amending §346- of Section 1 to read as follows:

"**§346- Reports.** (a) The following persons who, in the performance of their professional or official duties, know or have reason to believe that a dependent adult has been abused and is threatened with imminent abuse shall promptly report the matter orally to the department of human services:

(1) Any licensed or registered professional of the healing arts and any health-related occupation who examines, treats, or provides other professional or specialized services to dependent adults, including but not limited to, physicians, physicians in training, psychologists, dentists, nurses, osteopathic physicians and surgeons, optometrists, chiropractors, podiatrists, pharmacists, and other health-related professionals;

(2) Employees or officers of any public or private agency or institution providing social, medical, hospital or mental health services, including financial assistance.

(3) Employees or officers of any law enforcement agency including, but not limited to, the courts, police departments, correctional institutions, and parole or probation offices;

(4) Employees or officers of any adult residential care home, adult day care center, or similar institution; and

(5) Medical examiners or coroners.

(b) The initial oral report required by subsection (a) shall be followed as soon as possible by a written report to the department provided that where a police department is the initiating agency, a written report shall not be required unless the police department has declined to take further action and the department informs the police department that it intends to pursue the matter of the orally reported incident of abuse All written reports shall contain the name and address of the dependent adult and the person who or care organization or care facility which is alleged to have committed or been responsible for the dependent adult abuse, if known, the nature and extent of the dependent adult's injury or harm and any other information the reporter believes might be helpful in establishing the cause of the dependent adult abuse

(c) This section shall not prohibit any of the persons enumerated in subsection (a) from reporting incidents which those persons have reason to believe involve abuse which came to their attention in any private or nonprofessional capacity

(d) Any other person who has reason to believe that a dependent adult has been abused or is threatened with imminent abuse may report the matter orally to the department

(e) Any person who knowingly fails to report as required by this section or who wilfully prevents another person from reporting pursuant to this [part] section shall be guilty of a petty misdemeanor

(f) The department shall maintain a central registry of reported cases "

SECTION 3 Act 381, Session Laws of Hawaii 1989, is amended by amending §346- of Section 1 to read as follows

"**§346- Confidentiality of reports.** All reports made pursuant to this part, including the identity of the reporting person, as well as all records of such reports, are confidential and any person who makes an unauthorized disclosure of a report or records of [the court proceedings] a report under this part shall be guilty of a misdemeanor The director of human services may adopt, amend' or repeal rules, pursuant to chapter 91, to provide for the confidentiality of reports and records, and for the authorized disclosure of reports and records "

SECTION 4 Act 381 Session Laws of Hawaii 1989, is amended by amending §346- of section 1 to read as follows

"**§346- Order for immediate protection.** (a) If the department believes that a person is a dependent adult and it appears probable that the dependent adult has been abused and is threatened with imminent abuse unless immediate action is taken, and the dependent adult consents, or if the dependent adult does not consent and there is probable cause to believe that the dependent adult lacks the capacity to make decisions concerning the dependent adult's person, the department shall seek an order for immediate protection in accordance with section 346-

(b) A finding of probable cause may be based in whole or in part upon hearsay evidence when direct testimony is unavailable or when it is demonstrably inconvenient to summon witnesses who will be able to testify to facts from personal knowledge

(c) Upon finding that the person is a dependent adult and that there is probable cause to believe that the dependent adult has been abused and is threatened with imminent abuse unless immediate action is taken, and the dependent adult consents, or if the dependent adult does not consent and there is probable cause to believe that the dependent adult lacks the capacity to make

decisions concerning the dependent adult's person, the court shall issue an order for immediate protection. This order may include, but is not limited to:

(1) An authorization for the department to transport the person to an appropriate medical or care facility;
(2) An authorization for medical examinations;[1]
(3) An authorization for emergency medical treatment; and
(4) Such other matters as may prevent imminent abuse, pending a hearing under section 346- .

(d) The court may also make orders as may be appropriate to third persons, including temporary restraining orders, enjoining them from:

(1) Removing the dependent adult from the care or custody of another;
(2) Abusing the dependent adult;
(3) Living at the dependent adult's residence;
(4) Contacting the dependent adult in person or by telephone;
(5) Selling, removing, or otherwise disposing of the dependent adult's personal property;
(6) Withdrawing those funds from any bank, savings and loan association, credit union, or other financial institution, or from a stock account in which the dependent adult has an interest;
(7) Negotiating any instruments payable to the dependent adult;
(8) Selling, mortgaging, or otherwise encumbering any interest that the dependent adult has in real property;
(9) Exercising any powers on behalf of the dependent adult by representatives of the department, any court-appointed guardian or guardian ad litem or any official acting on their behalf;
(10) Engaging in any other specified act which, based upon the facts alleged, would constitute harm or present a threat of imminent harm to the dependent adult or would cause the loss of the dependent adult's property.

(e) Court orders under section 346- and this section may be obtained upon oral or written application by the department, without notice and without a hearing. Any oral application shall be reduced to writing within twenty-four hours. The court [shall] may issue its order orally, provided that it shall reduce the order to writing as soon as possible thereafter and in any case not later than twenty-four hours after the court received the written application. Certified copies of the application and order shall be personally served upon the dependent adult and any other person or entity affected by the order together with the notice of the order to show cause hearing in section 346- .

(f) If a written order for immediate protection is issued, the department shall file a petition invoking the jurisdiction of the court under this part within twenty-four hours."

SECTION 5. Act 381, Session Laws of Hawaii 1989, is amended by amending §346- of Section 1 to read as follows:

"**§346- Order to show cause hearing.** (a) When a written order for immediate protection is issued, the court shall hold a hearing on the application for immediate protection, no later than seventy-two hours after issuance of the [oral] written order excluding any Saturday or Sunday, requiring cause to be shown why the order or orders should not continue. The department shall make arrangements to have the dependent adult attend the hearing or show cause why the dependent adult cannot attend.

(b) When the court finds that there is probable cause to believe that a dependent adult has been abused and is threatened with imminent abuse, and the

dependent adult consents, or if the dependent adult does not consent and the court finds that there is probable cause to believe that the dependent adult lacks the capacity to make decisions concerning the dependent adult's person, the court may continue or modify any order pending an adjudicatory hearing on the petition These orders may include orders for the dependent adult's temporary placement and ordinary medical care

(c) The parties personally or through counsel may stipulate to the entry or continuance of such orders as the court deems to be in the best interest of the dependent adult, and the court shall set the case for an adjudicatory hearing as soon as it is practical "

SECTION 6 Act 381, Session Laws of Hawaii 1989, is amended by amending §346- of Section 1 to read as follows

"**§346- Consolidation with guardianship proceedings.** A proceeding for the appointment of a guardian of the person or of the property under article V of chapter 560 may be consolidated with the proceedings under this part as the applicable circuit court and the family court, in the exercise of their discretion, shall permit "

SECTION 7 Act 381, Session Laws of Hawaii 1989, is amended by amending §346- of Section 1 to read as follows

"**§346- Notice of proceedings.** After a petition has been filed, the matter shall be set for hearing and a notice of hearing shall be issued to all parties to the proceeding The parties to the proceeding shall include

(1) The dependent adult,
(2) Any caregiver or facility in which the dependent adult resides or is a patient,
(3) The spouse and adult children of the dependent adult,
(4) The parents of the dependent adult, unless waived by the court for good cause,
(5) Any guardian of the person or property who may have been appointed, and
(6) Any other person or entity affected by [an] the order for immediate protection [which has been sought or issued including any alleged perpetrator of abuse]

Where the names[1] or whereabouts of a potential party is unknown, the court may require the petitioner to set forth the reasonable efforts the petitioner made to ascertain the party's name or whereabouts and why the petitioner has been unable to determine those facts."

SECTION 8 Section 571-87, Hawaii Revised Statutes, is amended to read as follows

"**[[[§571-87]]] Appointment of counsel and guardian ad litem; compensation.** (a) When it appears to a judge that a person requesting the appointment of counsel satisfies the requirements of chapter 802 for determination of indigency, or the court in its discretion appoints counsel under [chapter] chapters 587 and 346, part __, or that a person requires appointment of a guardian ad litem, the judge shall appoint counsel or a guardian ad litem to represent the person at all stages of the proceedings, including appeal, if any Appointed counsel and the guardian ad litem shall receive reasonable compensation for necessary expenses, including travel, the amount of which shall be determined by the court, and fees

pursuant to subsection (b). All of these expenses shall be certified by the court and paid upon vouchers approved by the judiciary and warrants drawn by the comptroller.

(b) The court shall determine the amount of reasonable compensation to appointed counsel and guardian[1] ad litem, based on the rate of $40 an hour for out-of-court services, and $60 an hour for in-court services with a maximum fee in accordance with the following schedule:

(1) Cases arising under [chapter] chapters 587 and 346, part __:
  (A) Predisposition $1,500;
  (B) Postdisposition review hearing $ 500;
(2) Cases arising under chapters 560, 571, 580 and 584 $1,500.

Payments in excess of any maximum provided for under paragraphs (1) and (2) may be made whenever the court in which the representation was rendered certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the administrative judge of such court."

SECTION 9. Section 7 of Act 381, Session Laws of Hawaii 1989, is amended to read as follows:

"SECTION 7. This Act shall take effect on July 1, 1991[, and shall be repealed as of June 30, 1993]."

SECTION 10. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 11. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Note

1. So in original.

ACT 235 S.B. NO. 2287

A Bill for an Act Relating to Small Claims, District Courts.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 633-29, Hawaii Revised Statutes, is amended to read as follows:

"**§633-29 Fees and costs; waiver.** The fee for issuing summons and copies, trial, judgment, and satisfaction in an action in the small claims division of the district court shall be not more than [$5] $10. Other fees shall be as prescribed by statute or rule of court. The judge may waive the prepayment of costs or the payment of costs accruing during the action upon the sworn statement of the plaintiff or upon other satisfactory evidence of the plaintiff's inability to pay the costs."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3 This Act shall take effect upon its approval

(Approved June 25 1990)

ACT 236 S.B. NO 2307

A Bill for an Act Relating to Substance Abuse Testing

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows

"CHAPTER
SUBSTANCE ABUSE TESTING

§ **-1 Purpose.** The purpose of this chapter is to ensure that appropriate and uniform substance abuse test procedures are employed throughout the State, to protect the privacy rights of persons tested, and to achieve reliable and accurate results

§ **-2 Definitions.** As used in this part.

"Confirmatory test" means a drug or alcohol test that uses a method of analysis determined by the director of health to be reliable in establishing the identity and quantity of alcohol, drugs, or metabolites of drugs detected in an initial screening test

"Department" means the department of health.

"Director" means the director of health.

"Drug" means a controlled substance as defined in chapter 329, Hawaii Revised Statutes

"Medical review officer" means an individual who has knowledge of substance abuse disorders and toxicology as determined by the department, and is appointed by the third party to receive, review, and interpret the results of laboratory tests requested by the third party. The department may specify through rules the qualifications of a medical review officer, and any additional responsibilities that may be required to carry out this chapter

"Positive test result" means a finding through confirmatory testing of the presence of drugs, alcohol, or the metabolites of drugs in the sample tested in the levels at or above the cutoff levels established by the director.

"Substance abuse test" means any testing procedure, excluding toxicology tests used in the direct clinical management of patients and tests for alcohol related to chapters 286 and 291, designed to take and analyze body fluids or materials from the body for the purpose of measuring the amount of drugs, alcohol, or the metabolites of drugs in the sample tested.

"Third party" means any person, agency, employer or any other entity who requests substance abuse testing of another person or persons Unless otherwise specified, the "third party" shall include the party's designated staff.

§ **-3 Limitations.** No third party shall require, request, or suggest that any individual submit to a substance abuse test that does not meet all the requirements of this chapter except for third parties who are covered by any drug testing regulation promulgated by the Hawaii department of transportation or

the U.S. Department of Transportation or any other federal agencies. All costs, including confirmatory testing costs, shall be paid for by the third party. Nothing in this chapter shall be construed to preclude the department or any laboratory certifying agency approved by the director from examining the records of laboratories licensed for substance abuse testing to ascertain compliance with licensure or certification requirements, or to preclude the administration of breath tests to determine the alcohol content of the tested individual's blood for purposes of this chapter.

§ -4 **Laboratory requirements.** (a) Testing pursuant to subpart c of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 FR 11986) is exempt from the provisions of this chapter. All substance abuse testing performed in the State shall be performed by a testing laboratory licensed by the department for that purpose. Testing performed in another state may be performed only by laboratories licensed by that state to conduct substance abuse testing, and whose standards are comparable to those contained in this Act, and approved by the director. No laboratory located outside of the State may be licensed by the department to perform substance abuse testing.

(b) The director shall adopt rules governing:

(1) Standards for licensure of qualified testing laboratories, and suspension and revocation of a license;
(2) Qualifications of laboratory personnel;
(3) Body component samples that are appropriate for substance abuse testing;
(4) The selection of the medical review officers determined to be qualified by the department, and procedures to be followed by medical review officers in the reception, review and interpretation of the results of laboratory tests requested by the third party;
(5) Procedures for taking of samples that ensure privacy to the individuals tested and prevent or detect tampering with the sample;
(6) Methods of analysis and procedures to ensure reliable testing results, including standards for initial screening and confirmatory tests. Confirmatory tests for drugs or the metabolites of drugs shall utilize a gas chromatograph with a mass spectrometer detector or other reliable methods approved by the director;
(7) Cutoff levels of alcohol, drugs, or the metabolites of drugs;
(8) Chain of custody procedures to ensure proper identification, labeling, and handling of the samples to be tested;
(9) Retention and storage procedures and durations to ensure availability of samples for retesting when necessary;
(10) Establishing fees for licensing of laboratories;
(11) Retention of substance abuse test information by the laboratory; and
(12) Procedures to ensure confidentiality of the substance abuse testing procedures and substance abuse test information.

(c) No laboratory may be licensed to perform substance abuse testing in the State unless the laboratory participates in and continues to demonstrate satisfactory performance in drug proficiency testing as determined by the director.

§ -5 **Substance abuse testing procedures and interpretation of laboratory test results.** Prior to the collection of any sample for substance abuse testing, the individual to be tested shall receive a written statement of the specific substances to be tested for and a statement that over-the-counter medications or prescribed

drugs may result in a positive test result The individual, prior to the collection of any sample for substance abuse testing, shall receive a medication disclosure form, approved by the director, to permit the individual to disclose any over-the-counter medication or prescribed drug that the individual has taken within the previous thirty (30) days. In accordance with this section, the director shall create in administrative rules, regulations pertaining to (1) the qualifications, responsibilities and licensing of the medical review officer, (2) the use of medication disclosure forms, (3) the method of transmittal of laboratory test results and any interpretations of test results to the third party and the tested individual; and (4) the obtaining, disclosure and confidentiality of substance abuse testing information No laboratory may test for any substance not included on the written statement containing the specific substances to be tested for

§ **-6 Test results.** (a) The laboratory report shall include the following information and shall be reported in a timely manner

(1) The type of test conducted,

(2) The test results, which, for each substance tested can be negative due to a negative screening or confirmatory test result, positive due to a positive confirmatory test result, or no result due to an unsatisfactory sample or other reason,

(3) The cutoff level used to distinguish positive and negative samples on both the initial and confirmatory tests,

(4) The name and address of the laboratory, and

(5) Any additional information provided by the laboratory concerning the individual's test.

(b) The indication of a substance below the cut-off level as established by the director shall be recorded as a negative test result The laboratory's report shall not contain any information indicating the possible presence of a substance below a cut-off level, as so established

(c) Any information concerning a substance abuse test pursuant to this chapter shall be strictly confidential Such information shall not be released to anyone without the informed written consent of the individual tested and shall not be released or made public upon subpoena or any other method of discovery, except that information related to a positive test result of an individual shall be disclosed to the individual, the third party, or the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual tested and arising from positive confirmatory test result Any person who receives or comes into possession of any information protected under this chapter shall be subject to the same obligation of confidentiality as the party from whom the information was received

(d) Failure to adopt or adhere to all the procedures contained in this chapter shall invalidate the test result and the result may not be reported or otherwise used for any purpose

§ **-7 Remedies.** [Any person, agency, or entity that wilfully and knowingly violates any provision of this chapter shall be fined not less than $1,000 but not more than $10,000 for each violation as set by the department, plus reasonable court costs and attorney's fees as determined by the court, which penalty and costs shall be paid to the aggrieved person This subsection shall not be construed as limiting the right of any person or persons to recover actual damages

(b) In addition to any other enforcement mechanism allowed by law, any person, agency, or entity that commits, or proposes to commit, any act in violation of this chapter may be enjoined therefrom by a court of competent

jurisdiction An action for injunctive relief under this subsection may be brought by any aggrieved person that will fairly and adequately represent the interests of the protected class

§ **-8 Rulemaking.** The department may adopt rules under chapter 91 necessary to implement this chapter '

SECTION 2 If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable

SECTION 3 This Act shall take effect on January 1, 1992

(Approved June 25 1990)

Note

1 So in original

ACT 237 S B NO 2346

A Bill for an Act Relating to the Real Estate Commission

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that since the enactment of section 467-25 5, Hawaii Revised Statutes, the real estate commission's administrative duties in the area of education have been expanded considerably Specifically, the commission has drafted proposed rules to implement the continuing education program mandated by section 467-11 5 A provision of those rules requires the registration of continuing education providers and certification of instructors on a biennial basis Presently section 467-25 5 requires prelicense real estate schools and instructors to register on an annual basis Another provision of the proposed rules establishes registration renewal and reinstatement provisions for continuing education providers The legislature finds it is desirable to establish uniformity among the various provisions administering the commission's education programs

Accordingly, it is the purpose of this Act to require registration of a prelicense real estate school and of an instructor on a biennial basis and to clarify the commission's rulemaking power with respect to registration, renewal, and reinstatement requirements for prelicense real estate schools and instructors

SECTION 2 Section 467-25 5 Hawaii Revised Statutes is amended as follows

1 By amending subsection (a) to read

'(a) Schools Any person may apply to the real estate commission for a certificate of registration as a real estate school upon the payment to the [commission] department of commerce and consumer affairs of an initial registration fee [for the first year of registration] and thereafter [an annual] a biennial registration fee No school shall be granted a certificate of registration unless it maintains a sufficient number of registered instructors [and], requires a course of training of not less than that required by section 467-8[ ] and meets other requirements as provided in rules adopted by the commission

2 By amending subsection (c) to read

"(c) The fees, including a nonrefundable processing fee, for a certificate of registration and renewal thereof for schools and instructors shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91 "

3 By amending subsection (d) to read

"(d) Examination fee for instructors requesting to be [certificated] certified if and when required shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91 "

4 By amending subsections (f) and (g) to read

"(f) The commission shall adopt [such] rules [and regulations as it may deem] it deems proper to fully effectuate this section The adoption of rules shall include, but not be limited to

(1) Requirements for registration as a real estate school and as an instructor,

(2) Requirements for a certificate of registration renewal for a real estate school and an instructor, and

(3) Reinstatement requirements for a forfeited certificate of registration for a real estate school and an instructor

(g) The [annual] biennial renewal fee shall be paid to the [real estate commission] department of commerce and consumer affairs on or before [July 1 of each year] December 31 of every even-numbered year. Failure, neglect, or refusal of a holder of any duly issued certificate of registration to pay the [annual] biennial renewal fee shall constitute a forfeiture of the certificate of registration The certificate of registration may be [restored] reinstated upon written application therefor [and the], payment to the [commission] department of the sum specified in subsection (e) [of this section], and satisfaction of other requirements for reinstatement of a certificate of registration as provided in rules adopted by the commission "

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 4 This Act shall take effect upon its approval

(Approved June 25 1990)

ACT 238 S B NO 2347

A Bill for an Act Relating to New Motor Vehicle Warranties

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 490 2-313 1, Hawaii Revised Statutes, is amended to read as follows

"§490:2-313.1 New motor vehicle:[1] express warranties, return. (a) If a new motor vehicle does not conform to all applicable express warranties, and the consumer reports the nonconformity in writing to the manufacturer, or at its option, its agent, distributor, or its authorized dealer during the term of such express warranties, then the manufacturer, its agent, distributor, or its authorized dealer shall make such repairs as are necessary to conform the vehicle to such express warranties, notwithstanding the fact that such repairs are made

after the expiration of such term. As used in this section, the term "nonconformity" means any specific or generic defect or malfunction, or any concurrent combination of such defects or malfunctions that substantially impairs the use, market value, or safety of a motor vehicle.

(b) If the manufacturer, its agents, distributor, or authorized dealers are unable to conform the motor vehicle to any applicable express warranty by repairing or correcting any defect or condition which substantially impairs the use and market value of the motor vehicle to the consumer after a reasonable number of documented attempts, then the manufacturer shall replace the motor vehicle with a comparable motor vehicle or accept return of the vehicle from the consumer and refund to the consumer the following: the full purchase price including, but not limited to, charges for undercoating, dealer preparation, transportation and installed options, and all collateral charges and incidental expenses, including, but not limited to, towing charges, replacement car rental costs, general excise tax, license and registration fees, title charges, and similar government charges, excluding interest, and less a reasonable allowance for the consumer's use of the motor vehicle. A reasonable allowance for use shall be that amount directly attributable to use by the consumer prior to the consumer's first report of the nonconformity to the manufacturer, agent, distributor, or dealer. The reasonable allowance shall be equal to one per cent of the purchase price for every thousand miles of use. Refunds made pursuant to this subsection shall be deemed to be refunds of the sales price and treated as such for purposes of section 237-3. Refunds shall be made to the consumer, and lienholder, if any, as their interests may appear. It shall be an affirmative defense to any claim under this section that: (1) an alleged nonconformity does not substantially impair the use and market value of the motor vehicle, or (2) a nonconformity is the result of abuse, neglect, or unauthorized modifications or alterations of a motor vehicle by a consumer.

(c) It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties, if (1) the same nonconformity has been subject to repair three or more times by the manufacturer, its agents, distributor, or authorized dealers within the express warranty term but such nonconformity continues to exist, or (2) the vehicle is out of service by reason of repair for a cumulative total of thirty or more business days during such term. The term of an express warranty and such thirty-day period shall be extended by any period of time during which repair services are not available to the consumer because of a war, invasion, strike, fire, flood or other natural disaster. The presumption provided in this subsection shall not apply against a manufacturer if the manufacturer has not received a written report of the nonconformity from the consumer in accordance with subsection (a), its agent, distributor, or authorized dealer, or if the manufacturer has been denied a reasonable opportunity to repair the nonconformity alleged. Upon a second notice of the nonconformity, or if the vehicle has been out of service by reason of repair for in excess of twenty business days, the dealer shall notify the manufacturer of the nonconformity. During the term of the express warranty, any manufacturer, agent, distributor, or authorized dealer shall provide a written work order to a consumer who delivers a motor vehicle for repair. The consumer shall sign and receive a copy of the work order.

(d) Nothing in this section in any way shall limit the rights or remedies which are otherwise available to a consumer under any other law.

(e) Any manufacturer, its agents, distributors, or authorized dealers shall provide the consumer at the time of purchase of the motor vehicle a written notice setting forth the terms of a state certified arbitration program and a statement of the rights of the consumer under this section in plain language, the

form of which has been previously reviewed and approved by the department of commerce and consumer affairs for substantial compliance with title 16, Code of Federal Regulations, part 703, as may be modified by the requirements of section 490 2-313 2

Where the state certified arbitration program is invoked by the consumer over a new motor vehicle under express warranties a decision resolving the dispute shall be rendered within forty-five days after the procedure is invoked If no decision is rendered within forty-five days as required by this subsection, the dispute shall be submitted to the regulated industries complaints office, department of commerce and consumer affairs for investigation and hearing

Any decision rendered resolving the dispute shall provide appropriate remedies including, but not limited to the following

(1) Repair of the motor vehicle, or

(2) Replacement of the motor vehicle with a comparable motor vehicle, or

(3) Acceptance of the motor vehicle from the consumer and refund of the full purchase price, taxes, and all collateral charges as specified in subsection (b)

The decision shall specify a date for performance and completion of all awarded remedies

(f) Any action brought under this section shall be commenced within one year following expiration of the express warranty term

(g) No vehicle transferred to a dealer or manufacturer by a buyer or a lessee under subsection (b) may be sold or leased by any person unless

(1) The nature of the defect experienced by the original buyer or lessee is clearly and conspicuously disclosed,

(2) The defect is corrected, and

(3) The manufacturer warrants to the new buyer or lessee, in writing, for a period of one year, that if the defect reappears, it will be corrected at the dealer's expense

(h) For the purposes of this section "new motor vehicle" means a new [motor vehicle] self-propelled vehicle primarily designed for the transportation of persons or property over public streets and highways which is used or bought for use primarily for personal, family, or household purposes "New motor vehicle' includes a dealer-owned vehicle and a "demonstrator" or other motor vehicle sold with a manufacturer's new car warranty,[1] but does not include a motor vehicle whose gross weight exceeds 10,000 pounds[ ], nor does it include a moped, motorcycle, or motor scooter, as those terms are defined in Chapter 286, Hawaii Revised Statutes A "demonstrator" means a vehicle assigned by a dealer for the purpose of demonstrating qualities and characteristics common to vehicles of the same or similar model or type

(i) The manufacturer shall provide written notice of the provisions of this section directly to the consumer '

SECTION 2 Section 490 2-313 2, Hawaii Revised Statutes, is amended to read as follows

"**[|§490:2-313.2|] Arbitration mechanism.** (a) The department of commerce and consumer affairs shall establish and monitor a state certified arbitration program which is in substantial compliance with title 16 [1] Code of Federal Regulations part 703, as may be modified by this section, and shall adopt appropriate rules governing its operation

(b) The director of commerce and consumer affairs may contract with an independent arbitration organization for annual term appointments to screen,

hear, and resolve consumer complaints which have been initiated pursuant to section 490:2-313.1. The following criteria shall be considered in evaluating the suitability of independent arbitration mechanisms: capability, objectivity, experience, nonaffiliation with manufacturers of or dealers in new motor vehicles, reliability, financial stability, and fee structure.

(c) If a consumer agrees to participate in, and be bound by, the operation and decision of the state certified arbitration program, then all parties shall also participate in, and be bound by, the operation and decision of the state certified arbitration program. The prevailing party of an arbitration decision made pursuant to this section may be allowed reasonable attorney's fees.

(d) The submission of any dispute to arbitration in which the consumer elects non-binding arbitration shall not limit the right of[1] any party to a subsequent trial de novo upon written demand made[1] upon the opposing party to the arbitration within thirty days after service of the arbitration award, and the award shall not be admissible as evidence at that trial. If the party demanding a trial de novo does not improve its position as a result of the trial by at least twenty-five per cent, then the court shall order that all of the reasonable costs of trial, consultation, and attorney's fees be paid for by the party making the demand.

(e) Funding of the state certified arbitration program shall be provided through an initial filing fee of $200 to be paid by the manufacturer and $50 to be paid by the consumer upon initiating a case for arbitration under this section. Every final decision in favor of the consumer issued by the independent arbitration mechanism shall include within its relief the return of the $50 filing fee to the consumer.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Note

1. So in original.

ACT 239 S.B. NO. 2356

A Bill for an Act Relating to An Emergency Response Trauma Program.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that recent catastrophic events, such as the airplane crash on Molokai, the airplane disintegration near Maui, the bus accident on Kapiolani Boulevard, and the New Year's flood in 1988, were accompanied by great trauma experienced by residents of this State. The impact of the loss of life, possessions, and the disruption of life patterns following a catastrophic event can be devastating to the victims, their families, and even the emergency service personnel who must deal with these events. During periods of extreme shock, families and communities turn to government for information and for direction in restoring order to their disrupted lives. When government is not prepared to respond promptly and appropriately in these situations, recovery from the trauma is delayed and residual problems are intensified.

The legislature finds that research data on trauma caused by catastrophic events and emergencies clearly show that efforts to provide psychological assistance to impacted citizens and emergency personnel significantly improve the restoration of personal and community functioning, and provide a more positive evaluation of government's ability to respond when needed. Within the last ten years, psychological research has expanded from the initial task of understanding the effects of major catastrophes on families and communities to the development of procedures to overcome these negative effects Assistance characterized by immediacy and proximity has been proven effective in many states, including Hawaii, however, it is clear that the delivery of this service should be integrated into the state emergency system for prompt, coordinated response

The purpose of this Act is to establish as a preventive activity within the department of health, a catastrophic and traumatic emergency response program that would provide psychological assistance to persons and communities affected by catastrophic or traumatic emergency events

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $45,000, or 0 0018 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act

SECTION 3 Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows.

"**§321- Catastrophic and traumatic emergency response program established.** (a) The director shall establish within the department a catastrophic and traumatic emergency response program to

(1) Provide for the delivery of prompt psychological services in the event of a catastrophic event or traumatic emergency,
(2) Provide for critical incident stress debriefing for ambulance, fire, police, and other emergency service personnel,
(3) Provide for immediate delivery of psychological services to the residents and visitors,
(4) Coordinate the use of other public and private resources of post-disaster psychological services for the immediate and long-term delivery of psychological assistance to trauma victims, and
(5) Advise state government and emergency service personnel on psychological issues and trauma victim behavior in the planning of and responses to catastrophic events and traumatic emergencies

(b) The director shall compile a list of qualified mental health professionals who are willing to serve on a catastrophic and traumatic emergency response team, giving priority to individuals with experience in dealing with catastrophic or traumatic emergency events. The director shall appoint at least one team of professionals from the list, making a reasonable effort to appoint at least one member from each island, except Niihau If a qualified representative cannot be appointed from each island, the director, at a minimum, shall appoint one member from each county. Each team appointed shall serve for a period of four years, with one member who has specialized training in trauma care to be designated as the team leader, provided that the director shall have the flexibility of appointing additional special teams for shorter or longer periods of time as the

need arises. Members of a catastrophic and traumatic emergency response team shall receive continuing professional education and training on the provision of psychological assistance to be ready to provide services whenever a catastrophic event or traumatic emergency occurs. The team members shall be compensated for each day of service provided under this section, including participation in training required by the director, in accordance with a fee schedule to be established by the director pursuant to chapter 91.

(c) For purposes of this section, "catastrophic event or traumatic emergency" means any tragic occurrence that has resulted in:

(1) The loss of lives, infliction of injury, harm or suffering among humans, including hostage situations; or

(2) Extensive destruction of property.

The term includes, but shall not be limited to, disasters for which relief is provided under chapter 127.

(d) The team shall be activated by the director whenever the director finds that psychological assistance is appropriate following a catastrophic event or traumatic emergency.

(e) The director shall adopt rules under chapter 91 to implement the emergency response trauma program, which shall include the qualifications of and appointment process for catastrophic and traumatic emergency response team members."

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of $45,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the establishment of a catastrophic and traumatic emergency response program.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 5. New statutory material is underscored.[1]

SECTION 6. This Act shall take effect on July 1, 1990.

(Approved June 25, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 240 S.B. NO. 2377

A Bill for an Act Relating to Special and Revolving Funds.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The future fiscal condition of the State is not immune to change. As the economy fluctuates, so will general fund revenues. Special and revolving funds provide guaranteed sources of revenue to particular programs without regard to the State's overall fiscal condition. The legislature finds that it is fiscally prudent to subject all special and revolving funds to an evaluation to determine whether:

(1) Their continued existence is justified; and

(2) Moneys appropriated from the general fund for these programs and revenues generated by programs funded by special or revolving funds should be deposited into the general fund.

The purpose of this Act is to ensure the fiscal integrity of the State by:
(1) Establishing a review process for all new and proposed special and revolving funds, and
(2) Subjecting all existing special and revolving funds to a one-time evaluation

SECTION 2 Chapter 36, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§36- New special or revolving funds.** Within five days after the deadline for the introduction of bills in each legislative session, the clerks of each house of the legislature shall transmit, to the legislative auditor for analysis, copies of all legislative bills that were introduced in their respective houses during that session that propose to establish new special or revolving funds.

The criteria to be used by the auditor in analyzing each legislative bill shall include, but not be limited to, the extent to which the fund:
(1) Serves the purpose for which it is being created; and
(2) Reflects a clear link between the benefit sought and changes made upon the users or beneficiaries of the program, as opposed to serving primarily as a means to provide the program or users with an automatic means of support which is removed from the normal budget and appropriations process

Each analysis shall set forth the probable effects of the proposed fund and shall also assess alternative forms of funding.

No later than thirty days prior to the adjournment sine die of each legislative session, the legislative auditor shall submit the analysis of each transmitted legislative bill to each house of the legislature."

SECTION 3 The legislative auditor shall evaluate each fund existing on or prior to July 1, 1990, described in section 6 of this Act according to the review date schedule, and shall submit an evaluation report to the legislature not less than sixty days after the completion of the review The evaluation shall be based on the criteria contained in section 4 of this Act and shall assess whether the public interest requires that the fund be continued, modified, or repealed. A single report may encompass the evaluation of more than one fund and may include funds relating to programs administered by different agencies

Each department shall assist the auditor in collecting and reporting any data the auditor may require to conduct the evaluation

If the auditor finds that the fund should be modified, the auditor shall incorporate in the auditor's report, recommended legislation, if appropriate, to be considered for enactment and which, if enacted, would improve the policies, procedures, and practices of the fund evaluated

If the auditor finds that the fund should be repealed, the auditor shall nevertheless evaluate the effectiveness and efficiency of the fund and make appropriate recommendations to improve the policies, procedures, and practices.

The auditor shall provide the department of budget and finance and each department whose funds are evaluated pursuant to this Act not less than thirty days to review and comment upon the evaluation report prior to submission of the report to the legislature If the auditor receives written comments from the department of budget and finance or the department whose funds are being evaluated, the auditor shall append the written comments to the evaluation report for submission to the legislature

The auditor may request the assistance of the legislative reference bureau in drafting the recommended legislation. Any other law to the contrary notwithstanding, the auditor may release copies of preliminary reports to the bureau if the auditor requests the bureau's assistance under this section. The bureau shall comply with the auditor's request if the auditor provides a copy of the preliminary report to the bureau at the same time the report is provided to the department.

SECTION 4. The criteria to be used by the auditor in analyzing whether a particular fund should be continued, modified, or repealed shall include, but is not limited to, the extent to which the fund:

(1) Continues to serve the purpose for which it was originally created; and

(2) Reflects a clear link between the benefit sought and changes made upon the users or beneficiaries of the program, as opposed to serving primarily as a means to provide the program or users with an automatic means of support which is removed from the normal budget and appropriations process.

SECTION 5. Each special or revolving fund existing on or prior to July 1, 1990, shall be repealed based upon the recommendations of the auditor and the approval of the legislature through passage of legislation repealing the fund.

SECTION 6. The following funds within the departments of accounting and general services, agriculture, and budget and finance shall be reviewed by June 30, 1991:

(1) Department of accounting and general services:
  (A) Section 8-5 (King Kamehameha celebration fund);
  (B) Section 29-22 (surplus federal property revolving fund);
  (C) Section 41D-4 (state risk management revolving fund);
  (D) Section 106-15 (central purchasing revolving fund);
  (E) Section 107-8 (public improvement revolving fund);
  (F) Section 109-3 (stadium special fund);
  (G) Section 105-11 (state motor pool revolving fund);
  (H) Section 106-23 (state surplus property revolving fund); and
  (I) Section 107-11 (state parking revolving fund); and

(2) Department of agriculture:
  (A) Section 142-24 (animal industry revolving fund);
  (B) Section 153-3 (Hawaii agricultural products revolving fund);
  (C) Section 155-14 (agriculture loan revolving fund);
  (D) Section 163-31 (marketing order revolving fund);
  (E) Section 166-10 (agricultural park special fund);
  (F) Section 167-22 (irrigation system revolving fund); and
  (G) Section 219-4 (aquaculture loan revolving fund); and

(3) Department of budget and finance (excluding the housing finance and development corporation):
  (A) Section 39-62 (special funds for deposit of revenue or user taxes of an undertaking or a loan program when revenue bonds are issued);
  (B) Section 88-126 (special fund for a county regarding county contributions to the pension and retirement system);
  (C) Section 88-224 (contribution fund for employees retirement system of the State of Hawaii);

(D) Section 106-16 (state telecommunications site and equipment maintenance revolving fund) and
(E) Section 364-9 (veterans bonds funds)

The following funds within the departments of the attorney general and business and economic development and the housing finance and development corporation shall be reviewed by June 30 1992

(1) Department of the attorney general Section 712A-16 (criminal forfeiture fund) and
(2) Housing finance and development corporation
(A) Section 201E-57 (housing finance revolving fund and housing project bond special funds),
(B) Section 201F-73 (housing loan program revenue bond special funds)
(C) Section 201E-132 (rental assistance revolving fund),
(D) Section 201E-160 (state mortgage guarantee fund),
(E) Section 201F-204 (dwelling unit revolving fund)
(F) Section 201E-207 (homes revolving fund),
(G) Section 201E-208 (rental housing revolving fund),
(H) Section 201E-217 (Hawaii development revolving fund), and
(I) Section 201E-235 (elderly housing revolving fund) and
(3) Department of business and economic development
(A) Section 125C-7 (petroleum products control fund)
(B) Section 189-23 (large fishing vessel loan revolving fund),
(C) Section 189-43 (small fishing vessel loan revolving fund),
(D) Section 201-85 (special fund for out-of-state offices),
(E) Section 206F-16 (Hawaii community development revolving fund),
(F) Section 206E-109 (reserved housing loan program revenue bond special funds),
(G) Section 206E-157 (public facility revenue bond special funds),
(H) Section 206J 17 (Aloha Tower fund)
(I) Section 206M-15 (high technology research and development fund)
(J) Section 206M-15 5 (high technology special fund)
(K) Section 206M-17 (development funds for each issue of bonds issued by high technology development corporation),
(L) Section 206P-7 (Hawaii information network special fund),
(M) Section 206X-10 (Waikiki convention center development revolving fund),
(N) Section 209-34 (state disaster revolving loan fund),
(O) Section 210-3 (Hawaii capital loan revolving fund)
(P) Section 211-4 (commercial loan guarantee reserve fund),
(Q) Section 211E-2 (Hawaii innovation development fund),
(R) Section 212-9 (foreign trade zones special fund),
(S) Section 227-4 (natural energy laboratory of Hawaii special fund) and
(T) Section 516-111 (fee title acquisition loan program revenue bond special funds)

The following funds within the judiciary and the departments of commerce and consumer affairs, education health and human services shall be reviewed by June 30 1993

(1) Judiciary Section 286G-2 (driver education and training fund) and
(2) Department of commerce and consumer affairs
(A) Section 26-9 (special fund for compliance resolution),

(B) Section 314-13 (public broadcasting revolving fund);
(C) Section 415-128 (special fund for deposit of special handling fees for certification of documents);
(D) Section 431:2-307 (insurance examiner's revolving fund);
(E) Section 431:10C-115 (special drivers' education fund account);
(F) Section 467-11 (real estate education fund);
(G) Section 467-16 (real estate recovery fund); and
(H) Section 468K-3 (travel agency recovery fund); and

(3) Department of education:
(A) Section 296-44 (special school lunch fund);
(B) Section 296D-1 (school priority fund);
(C) Section 298-3.5 (special summer school fund);
(D) Section 304-25 (laboratory school cafeteria special fund; department of education school cafeteria special fund);
(E) Section 312-2 (special fund for deposit of moneys to benefit library services); and
(F) Section 312-3.6 (libraries special fund); and

(4) Department of health:
(A) Section 128D-2 (environmental emergency response revolving fund);
(B) Section 321-93 (revolving fund for home health services);
(C) Section 325-6 (epidemic control fund);
(D) Section 326-27 (revolving fund for Kalaupapa store); and
(E) Section 342D-54 (water pollution control revolving fund); and

(5) Department of human services:
(A) Section 346-9 (revolving fund for workshop or home labor purposes for welfare recipients);
(B) Section 347-12 (blind shop revolving and handicraft fund);
(C) Section 359-13 (housing revolving fund); and
(D) Section 359A-2 (teachers' housing revolving fund).

The following funds within the departments of labor and industrial relations, land and natural resources, personnel services, taxation, and transportation shall be reviewed by June 30, 1994:

(1) Department of labor and industrial relations:
(A) Section 383-121 (unemployment compensation fund);
(B) Section 383-121.5 (special unemployment insurance administration fund);
(C) Section 386-151 (special compensation fund);
(D) Section 392-61 (special fund for disability benefits); and
(E) Section 393-41 (special premium supplementation fund); and

(2) Department of land and natural resources:
(A) Section 171-19 (special land and development fund);
(B) Section 171-138 (industrial park special fund);
(C) Section 174-22 (land and water development revolving fund);
(D) Section 180-17 (special funds for each soil and water conservation district);
(E) Section 181-10 (special fund for deposit of moneys forfeited under any bond or deposit pursuant to chapter 181 strip mining);
(F) Section 183D-10.5 (wildlife revolving fund); and
(G) Section 206-41 (development revolving fund); and

(3) Department of personnel services: Section 81-3 (revolving fund for in-service training programs and activities); and

(4) Department of taxation Section 231-23 (Tax reserve fund) and
(5) Department of transportation
(A) Section 248-8 (state highway fund, airport revenue fund, boating special fund),
(B) Section 261D-1 (transportation use special fund)
(C) Section 264-15 (highway advance acquisition revolving fund),
(D) Section 266-14 (special fund for deposit of surplus received from sale of freight on which demurrage and other charges are due),
(E) Section 266-17 (special fund for payment of all due bonds or other revenue obligations and interest),
(F) Section 266-19 (harbor special fund),
(G) Section 268-6 (special fund for deposit of gross revenues derived from the operation of the ferry system), and
(H) Section 279E-5 (OMPO revolving fund)

The following funds within the department of public safety and the University of Hawaii shall be reviewed by June 30, 1995

(1) Department of public safety
(A) Section 353-31 (revolving funds for correctional facility stores), and
(B) Section 354-12 (correctional industries account), and
(2) University of Hawaii
(A) Section 150-41 (revolving fund for seed distribution),
(B) Section 304-8 1 (University of Hawaii research and training revolving fund),
(C) Section 304-8 3 (transcript and diploma revolving fund),
(D) Section 304-8 4 (vocational and technical training projects revolving fund),
(E) Section 304-8 5 (animal research farm Waialee, Oahu revolving fund)
(F) Section 304-8 6 (University of Hawaii student activities revolving fund),
(G) Section 304-8 7 (University of Hawaii at Manoa intercollegiate athletics revolving fund, University of Hawaii at Hilo intercollegiate athletics revolving fund),
(H) Section 304-8 8 (University of Hawaii at Manoa malpractice special fund),
(I) Section 304-8 9 (systemwide computer services special fund),
(J) Section 304-8 91 (child care programs revolving fund),
(K) Section 304-8 92 (discoveries and inventions revolving fund)
(L) Section 304-8 93 (library special fund)
(M) Section 304-37 (center for labor education and research revolving fund),
(N) Section 304-44 5 (algal mass culture facility, Snug Harbor, Oahu, revolving fund),
(O) Section 304-91 (state higher education loan fund)
(P) Section 304-101 (community college and Hilo campus bookstore revolving fund)
(Q) Section 305-4 (special fund for special programs and activities of the community colleges),
(R) Section 306-10 (university revenue-undertakings fund), and
(S) Section 308-2 (university parking revolving fund)

SECTION 7 New statutory material is underscored [1]

SECTION 8. This Act shall take effect on July 1, 1990.

(Approved June 25, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 241 S.B. NO. 2460

A Bill for an Act Relating to Motorcycles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 431:10G-104, Hawaii Revised Statutes, is amended to read as follows:

"**§431:10G-104 Prerequisites for obtaining coverage.** (a) Any person seeking to obtain the liability coverage required by this part after June 7, 1989, shall first:

(1) Have obtained a valid motorcycle or motor scooter license; or
(2) Have obtained a valid motorcycle or motor scooter learner's permit and have taken and passed a motorcycle education course approved by the department of transportation.

(b) A temporary insurance binder covering a period of not more than ninety days may be issued to a person who has a valid motorcycle or motor scooter learner's permit but has not been able to enroll in, or has not yet passed, a motorcycle education course approved by the department of transportation. To obtain a temporary binder, a person shall submit proof to the insurer of the person's attempt to enroll or actual enrollment in an approved motorcycle education course."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

ACT 242 S.B. NO. 2475

A Bill for an Act Relating to Public Lands.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 171-36, Hawaii Revised Statutes, is amended to read as follows:

"**§171-36 Lease restrictions; generally.** (a) Except as otherwise provided, the following restrictions shall apply to all leases:

(1) Options for renewal of terms are prohibited;
(2) No lease shall be for a longer term than sixty-five years, except in the case of a residential leasehold which may provide for an initial term of fifty-five years with the privilege of extension to meet the requirements of the Federal Housing Administration, Federal National

Mortgage Association, Federal Land Bank of Berkeley, Federal Intermediate Credit Bank of Berkeley, Berkeley Bank for Cooperatives, or Veterans Administration requirements, provided that the aggregate of the initial term and extension shall in no event exceed seventy-five years,

(3) No lease shall be made for any land under a lease which has more than two years to run,

(4) No lease shall be made to any person who is in arrears in the payment of taxes, rents, or other obligations owing the State or any [of its political subdivisions;] county;

(5) No lease shall be transferable or assignable, except by devise, bequest, or intestate succession; provided that with the approval of the board of land and natural resources, the assignment and transfer of a lease or unit thereof may be made if.

(A) It contains the personal residence of the lessee,

(B) In the case of commercial, industrial, hotel, resort, apartment, and other business uses, the lessee was required to put in substantial building improvements;

(C) The lessee becomes mentally or physically disabled;

(D) Extreme economic hardship is demonstrated to the satisfaction of the board; or

(E) It is to the corporate successor of the lessee;

provided further that prior to the approval of any assignment of lease, the board shall have the right to review and approve the consideration to be paid by the assignee and may condition its consent to the assignment of the lease on payment by the lessee of a premium based on the amount by which the consideration for the assignment, whether by cash, credit, or otherwise, exceeds the depreciated cost of improvements and trade fixtures being transferred to the assignee; provided further that with respect to state agricultural leases, in the event of foreclosure or sale, the premium, if any, shall be assessed only after the encumbrances of record and any other advances made by the holder of a security interest are paid,

(6) The lessee shall not sublet the whole or any part of the demised premises except with the approval of the board, provided that prior to the approval, the board shall have the right to review and approve the rent to be charged to the sublessee, provided further that in the case where the lessee is required to pay rent based on a percentage of its gross receipts, the receipts of the sublessee shall be included as part of the lessee's gross receipts, provided further that the board shall have the right to review and, if necessary, revise the rent of the demised premises based upon the rental rate charged to the sublessee including the percentage rent, if applicable, and provided that the rent may not be revised downward,

(7) The lease shall be for a specific use or uses and shall not include waste lands, unless it is impractical to provide otherwise;

(8) Mineral and metallic rights and surface and ground water shall be reserved to the State, and

(9) No lease of public lands, including submerged lands, nor any extension of any such lease, shall be issued by the State to any person to construct, use, or maintain a sunbathing or swimming pier or to use the lands for such purposes, unless such lease, or any extension thereof, contains provisions permitting the general public to use the

pier facilities on the public lands and requiring that a sign or signs be placed on the pier, clearly visible to the public, which indicates the public's right to the use of the pier. The board, at the earliest practicable date, and where legally possible, shall cause all existing leases to be amended to conform to this paragraph. The term "lease", for the purposes of this paragraph, includes month to month rental agreements and similar tenancies.

(b) The board, from time to time, upon the issuance or during the term of any intensive agricultural, aquaculture, mariculture, or special livestock lease may (1) modify or eliminate any of the foregoing restrictions, (2) extend or modify the fixed rental period of the lease, or (3) extend the term of the lease to the extent necessary to qualify the lease for mortgage lending or guaranty purposes with the Federal Housing Administration, Federal National Mortgage Association, Veterans Administration, Small Business Administration, Farmers Home Administration, Federal Land Bank of Berkeley, Federal Intermediate Credit Bank of Berkeley, Berkeley Bank for Cooperatives, or any other federal mortgage lending agency qualified to do business in the State, and their respective successors and assigns or to qualify the lessee for any state or private lending institution loan, private loan guaranteed by the State, or any loan in which the State and any private lender participates; provided that the private lender shall be qualified to do business in the State; provided further that the approval of any extension shall be subject to the following:

(1) The demised premises have been used substantially for the purpose for which they were originally leased;
(2) The aggregate of the initial term and any extension granted shall not be for more than fifty-five years;
(3) The rental shall not be less than the rental for the preceding term; and
(4) The rules of the board, setting forth any additional terms and conditions which shall insure and promote the purposes of the demised lands.

(c) The board at any time during the term of any intensive agricultural, aquaculture, or mariculture lease and when justified by sound [agricultural practices and] economic practices or other circumstances, may permit an alternative agricultural, aquaculture, or mariculture use or uses for any portion or portions of the land demised [thereunder]. As a condition to permitting alternative uses, the board may require such other modifications, including rental adjustments or changes in the lease as may be necessary to effect or accommodate the alternative use or uses. An alternative use or uses may be allowed by the board upon:

(1) The application of the lessee;
(2) Consent of each holder of record having a security interest in the leasehold; and
(3) A finding by the board that the alternative use or uses are in the public interest."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

ACT 243

S B NO 2482

A Bill for an Act Relating to Plant and Non-Domestic Animal Quarantine

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 150A-2, Hawaii Revised Statutes, is amended by amending the definition of "import" and adding the definition of "passed" to read

" "Import" means shipment to the State for the purpose of entry from any point outside of the State

"Passed" means the clearance status for entry given an article for import after inspection and quarantine requirements have been met "

SECTION 2. Section 105A-5,[1] Hawaii Revised Statutes, is amended to read as follows

"§150A-5 Conditions of importation. The importation into the State of any of the following articles, viz., nursery-stock, tree, shrub, herb, vine, cut-flower, cutting, graft, scion, bud, seed, leaf, root, or rhizome, nut, fruit, or vegetable; grain, cereal, or legume in the natural or raw state, moss, hay, straw, dry-grass, or other forage, unmanufactured log, limb, or timber, or any other plant-growth or plant-product, unprocessed or in the raw state, soil, bacteria, fungus, or virus, live bird, reptile, nematode, insect, or any other animal in any stage of development (that is in addition to the so-called domestic animal, the quarantine of which is provided for in chapter 142), box, vehicle, baggage, or any other container in which such articles have been transported or any packing material used in connection therewith shall be made in the manner hereinafter set forth

(1) Notification of arrival Any person who receives for transport or brings or causes to be brought to the State as freight, air freight, baggage, or otherwise, for the purpose of debarkation or entry therein, or as ship's stores, any of the foregoing articles, shall, immediately upon the arrival thereof, notify the department, in writing, of the arrival, giving the waybill number, container number, name and address of the consignor, name and address of the consignee or the consignee's agent in the State, marks, number of packages, description of contents of each package, port at which laden, and any other information that may be necessary to locate or identify the same, and shall hold such articles at the pier, airport, or any other place where they are first received or discharged, in such a manner that they will not spread or be likely to spread any infestation or infection of insects or diseases that may be present until inspection and examination can be made by the inspector to determine whether or not any article, or any portion thereof, is infested or infected with or contains any pest In addition, the department by rules shall designate restricted articles that shall require a permit from the department in advance of importation The restricted articles shall include, but not be limited to, fungi, bacteria, virus, or living insects Failure to obtain the permit in advance [shall result in the articles being refused entry, confiscated, or destroyed Any expense or loss in connection therewith shall be borne by the owner or the owner's agent] is a violation of this section.

(2) Individual passengers, officers, and crew

(A) It shall be the responsibility of the transportation company to distribute, prior to [arrival] the debarkation of passengers and baggage, the State of Hawaii plant and animal declaration form to each passenger, officer, and crew member of any aircraft or vessel originating in the continental United States or its possessions or from any other area not under the jurisdiction of the appropriate federal agency in order that the passenger, officer, or crew member can comply with the directions and requirements appearing thereon. Any passenger, officer, or crew member bringing or causing to be brought for entry into the State the articles listed on the form shall complete the declaration. Any person who defaces the declaration form required under this section, gives false information, fails to declare restricted articles in the person's possession or baggage, or fails to declare in cargo manifests [shall be] is in violation of this section.

(B) Completed forms shall be collected by the transportation company and be delivered, immediately upon arrival, to the inspector at the first airport or seaport of arrival. Failure to distribute or collect declaration forms or to immediately deliver completed forms is a violation of this section.

(3) Plant and animal declaration form. The form [will] shall include directions for declaring domestic and other animals cited in chapter 142, in addition to the articles enumerated in this chapter.

(4) Labels. Each container in which any of the above-mentioned articles are imported into the State shall be plainly and legibly marked, in a conspicuous manner and place, with the name and address of the shipper or owner forwarding or shipping the same, the name or mark of the person to whom the same is forwarded or shipped or the person's agent, the name of the country, state, or territory and locality therein where the product was grown or produced, and a statement of the contents of the container. Upon failure to comply with this paragraph, the importer or carrier [shall be liable to suffer the penalty for the] is in violation of this section.

(5) Authority to inspect. Whenever the inspector has good cause to believe that the provisions of this chapter are being violated, the inspector may:

(A) Enter and inspect any aircraft, vessel, or other carrier at any time after its arrival within the boundaries of the State, whether offshore, at the pier, or at the airport[.], for the purpose of determining whether any of the articles or pests enumerated in this chapter or rules adopted thereto, is present.

(B) Enter into or upon any pier, warehouse, airport, or any other place in the State where any of the above-mentioned articles are moved or stored, for the purpose of ascertaining, by inspection and examination, whether or not any of the articles is infested or infected with any pest or disease or contaminated with soil or contains prohibited plants or animals.

(C) Inspect any baggage or personal effects of disembarking passengers, officers, and crew members on aircraft or vessels arriving in the State to ascertain if they contain any of the articles or pests enumerated in this chapter. No baggage or other personal effects of the passengers or crew members shall be released until the baggage or effects have been passed.

[Such baggage] Baggage or cargo inspection shall be made at the discretion of the inspector, on the pier, vessel, or aircraft or in any quarantine or inspection area [No baggage or other personal effects of the passengers or crew members shall be released until said effects have been passed]

Whenever the inspector has good cause to believe that the provisions of this chapter are being violated, the inspector may require that any box, package, suitcase, or any other container carried as ship's stores, cargo, or otherwise by any vessel or aircraft moving between the continental United States and Hawaii or between the Hawaiian Islands, be opened for inspection to determine whether any article or pest prohibited by this chapter or by rules [promulgated] adopted pursuant thereto is present [If] It is a violation of this section if any prohibited article or any pest or any plant, fruit, or vegetable infested with plant pests is found[, the department may order the return of the article to the place of origin or otherwise dispose of it or such part thereof as necessary to comply with this chapter Any expense or loss in connection therewith shall be borne by the owner or the owner's agent]

(6) Request for importation and inspection In addition to requirements of the United States customs authorities concerning invoices or other formalities incident to importations into the State, the importer shall be required to file a written statement with the department, signed by the importer or the importer's agent, setting forth the importer's desire to import certain of the above-mentioned articles into the State and giving the following additional information the kind (scientific name), quantity, and description, the locality where same were grown or produced, the certification that all animals to be imported are the progeny of captive populations or have been held in captivity for a period of one year immediately prior to importation or have been specifically approved for importation by the board, the port from which the same were last shipped, the name of the shipper, and the name of the consignee The statement shall also contain

(A) A request that the department, by its duly authorized agent, examine the articles described,

(B) An agreement by the importer to be responsible for all costs, charges, or expenses, and

(C) A waiver of all claims for damages incident to the inspection or the fumigation, disinfection, quarantine, or destruction of the articles, or any of them, as hereinafter provided, if any treatment is deemed necessary

Failure or refusal to file a statement, including the agreement and waiver, [shall be held to be] is a violation of this section and may, in the discretion of the department, be sufficient cause for refusing to permit the entry of the articles into the State

(7) Place of inspection If, in the judgment of the inspector, it is deemed necessary or advisable to move any of the above-mentioned articles, or any portion thereof, to a place more suitable for inspection than the pier, airport, or any other place where they are first received or discharged, the inspector is authorized to do so. All costs and expenses incident to the movement and transportation of the articles to such place shall be borne by the importer or the importer's agent

(8) Disinfection or quarantine. If, upon inspection, any article so received or brought into the State for the purpose of debarkation or entry therein is found to be infested or infected or there is reasonable cause to presume that it is infested or infected and the infestation or infection can, in the judgment of the inspector, be eradicated, a treatment shall be given such article. The treatment shall be at the expense of the owner or the owner's agent, and the treatment shall be as prescribed by the department. The article shall be held in quarantine at the expense of the owner or the owner's agent at a satisfactory place approved by the department for a sufficient length of time to determine that eradication has been accomplished. If the infestation or infection is of such nature or extent that it cannot be effectively and completely eradicated, or if it is a potentially destructive pest or it is not widespread in the State, or after treatment it is determined that the infestation or infection is not completely eradicated, or if the owner or the owner's agent refuses to allow the article to be treated or to be responsible for the cost of treatment and quarantine, the article, or any portion thereof, together with all packing and containers, may, at the discretion of the inspector, be destroyed or sent out of the State at the expense of the owner or the owner's agent. Such destruction or exclusion shall not be made the basis of a claim against the department or the inspector for damage or loss incurred.

(9) Disposition. Upon completion of inspection, either at the time of arrival or at any time thereafter should any article be held for inspection, treatment, or quarantine, the inspector shall affix to the article or the container or to the delivery order in a conspicuous place thereon, a tag, label, or stamp to indicate that the article has been inspected and passed. This action shall constitute a permit to bring the article into the State.

(10) Ports of entry. None of the articles mentioned in this section shall be allowed entry into the State except through the airports and seaports in the State designated and approved by the board."

SECTION 3. Section 150A-5.5, Hawaii Revised Statutes, is amended to read as follows:

"**[|||§150A-5.5||| What constitutes importation.** (a) The landing of any article for the purpose of inspection or quarantine is not, nor shall it be construed to be, an importation in the sense of giving the article any status[,] or the owner any right incident to articles which have actually been [imported] passed and allowed into the State.

(b) In legal effect, articles landed for the purpose of inspection or quarantine shall be construed to be still without the State seeking entry, and shall not, in whole or in part, be considered suitable for importation into the State unless a tag, label, or stamp has been affixed to the article, [or] its container, or its delivery order by the inspector as provided in section 150A-5(9)."

SECTION 4. Section 150A-6, Hawaii Revised Statutes, is amended to read as follows:

"**§150A-6 Soil, plants, animals, etc., importation or possession prohibited.** (a) No person shall transport, receive for transport, or cause to be transported to the State, for the purpose of debarkation or entry thereinto, any of the following:

(1) Soil, provided that limited quantities of soil may be imported into the State for experimental or other scientific purposes under permit with conditions prescribed by the department.

(2) Rocks, plants, plant products, or any article with soil adhering thereto

(3) Any live snake, flying fox, fruit bat, Gila monster, injurious insect, or eels of the order Anguilliformes, or any other animal in any stage of development that is detrimental or potentially harmful to agriculture, horticulture, animal or public health, or natural resources, including native biota, or has an adverse effect on the environment as determined by the board, provided that a government agency may bring into and maintain in the State not more than two live, nonvenomous snakes of the male sex solely for the purpose of exhibition in a government zoo, but only after the board is presented with satisfactory evidence that the sex of the snakes was established to be male prior to the shipment, and after the board gives written approval conditioned upon such terms as the board may deem necessary, which terms shall include the continuing supervision and control by the board and shall provide that the board may determine the manner in which such snakes shall be disposed of or destroyed In case of the death of one or both snakes, the government agency may import and maintain replacements subject to the above conditions

(4) Any live or dead honey bees, or used bee equipment that is not certified by the department to be free of pests; provided that nothing herein shall prohibit the importation of bee semen.

(5) The board shall maintain [either] a list of conditionally approved animals and microorganisms which require a permit for import into the State, a list of restricted animals and [plants] microorganisms which [may be imported] require a permit for both import into the State [or] and possession, and a list of animals and [plants] microorganisms which are prohibited entry into the State. The conditionally approved and restricted animals and microorganisms shall be imported only by permit issued pursuant to rules and any violation of the conditions listed on the permit is a violation of this section Any other animal or microorganism that is not on the conditionally approved, restricted, or prohibited lists is prohibited until the board's review and determination for placement on one of these lists

(6) The board shall also maintain a list of restricted plants and a list of prohibited plants. Restricted plants may not be imported into the State without a permit issued pursuant to rules and any violation of the conditions listed on the permit is a violation of this section.

(b) No person shall possess, propagate, sell, transfer, or harbor any plant [or], animal, or microorganism included on the list or lists of prohibited plants [and], animals, and microorganisms maintained by the board][1] under this section[.], except as allowed by the board upon determination that the species:

(1) Was initially permitted entry and later prohibited entry into the State, or

(2) Was continually prohibited but was unlawfully introduced and is currently established in the State, and

(3) Is not significantly harmful to agriculture, horticulture, public health, and the environment Under the foregoing circumstances, the board may permit possession of the individual plant, animal, or microorganism through its registration with the department while still prohibiting the same species of plant, animal, or microorganism from importation, propagation, transfer, and sale."

SECTION 5. Section 150A-7, Hawaii Revised Statutes, is amended to read as follows:

"**§150A-7 Disposition.** (a) [Any] It is a violation of sections 150A-5 and 150A-6 to bring into the State contrary to those sections any plant, plant product, animal, microorganism, or any article infested with pests or contaminated with soil[, which may be brought to the State contrary to section 150A-6,] and the same shall be refused admittance[,] and [the same] may, in the discretion of the inspector, be seized and treated, destroyed, or excluded at the expense of the owner or the owner's agent.

(b) [Any] It is a violation of section 150A-6 to bring to or possess in the State any living creature [mentioned in section 150A-6 brought to or possessed in the State] that is mentioned in that section or in the lists maintained by the board if the creature is prohibited, or restricted and without a permit issued by the department, and such a creature shall constitute contraband and shall be seized immediately upon discovery whenever[!] found,[!] and be destroyed, donated to a government zoo, or sent out of the State, at the discretion of the department. Any expense or loss in connection therewith shall be borne by the owner or the owner's agent. The foregoing shall not apply to any snake which is brought into the State by a government agency solely for the purpose of exhibition in a government zoo pursuant to section 150A-6(3).

(c) Whenever any living creature introduced or admitted under rules of the department escapes, or is found to be free from confinement, the department [shall] may confiscate or capture it and any progeny at the expense of the owner. The department may destroy the creature, donate it to a government zoo, or send it out of the State after five days at the discretion of the department. Any expense or loss in connection therewith shall be borne by the owner or the owner's agent."

SECTION 6. Section 150A-10, Hawaii Revised Statutes, is amended to read as follows:

"**[[]§150A-10[]] Advisory committee on plants and animals.** There shall be an advisory committee on plants and animals composed of the chairman of the board or the chairman's representative who shall be chairman of the committee, the chairman of the board of land and natural resources, the director of the office of environmental quality control, the director of department of health or their designees, and five other members, with expertise in plants, animals, or microorganisms, and who, by virtue of their vocation or avocation, also are thoroughly conversant with modern ecological principles and the variety of problems involved in the adequate protection of our natural resources. The latter five members shall be chosen by the chairman. The committee shall advise and assist the department in developing or revising laws and regulations to carry out and effectuate the purposes of this chapter and in advising the department in problems relating to the introduction, confinement, or release of plants, animals, and microorganisms.

The chairman may create ad hoc or permanent subcommittees, as needed."

SECTION 7. Section 150A-14, Hawaii Revised Statutes, is amended to read as follows:

"**[[]§150A-14[]] Penalty.** (a) Any person who violates [the provisions of section 150A-6(3)] any provision of this chapter other than section 150A-5(2)(B)

or any rule adopted under this chapter or any person or organization who owns or intentionally transports, possesses, [or] harbors, propagates, sells, transfers, or causes the importation of any snake or other prohibited animal seized under section 150A-7(b) [shall be fined not more than $1,000 or imprisoned not more than one year, or both, provided that a person who voluntarily surrenders any prohibited snake or other prohibited animal prior to the initiation of any seizure action by the department shall not be subject to this penalty Any person who violates any other provision of this chapter shall be fined not more than $500 or imprisoned not more than six months, or both] shall be guilty of a misdemeanor

(b) Any transportation company that violates section 150A-5(2)(B) shall be guilty of a petty misdemeanor

(c) Any person or importer who violates this chapter more than three times within a five-year period or whose violation involves a plant, animal, or microorganism on the prohibited list or the restricted list without a permit shall be guilty of a class C felony

(d) For the purposes of this section,

(1) Convictions under two or more counts of an indictment or complaint shall be considered a single conviction without regard to when the convictions occurred or when the individual offenses were committed,

(2) A conviction occurs on the date judgment is entered

(e) Whenever a court sentences a person or importer pursuant to subsection (a) or (c) for an offense which has resulted in the escape or establishment of any pest and caused the department to initiate a program to capture, control or eradicate that pest, the court shall also require that the person or importer pay to the state general fund an amount of money to be determined in the discretion of the court upon advice of the department, based upon the cost of the development and implementation of the program

(f) In addition to the penalties in subsection (a) or (c) and the payment under subsection (e), the department may, at its discretion, refuse entry, confiscate, or destroy any prohibited articles or restricted articles without a permit issued by the department, brought to the State or order the return of any plant, fruit, vegetable, or any other article infested with pests to its place of origin or otherwise dispose of it or such part thereof as may be necessary to comply with this chapter. Any expense or loss in connection therewith shall be borne by the owner or the owner's agent.

(g) Any person who voluntarily surrenders any prohibited snake, other prohibited animal, or restricted animal without a permit issued by the department, prior to the initiation of any seizure action by the department shall be exempt from the penalties of this section."

SECTION 8 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 9 This Act shall take effect upon its approval.

(Approved June 25, 1990)

Note

1 So in original

ACT 244 S.B. NO. 2599

A Bill for an Act Relating to Contractors.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 444-23, Hawaii Revised Statutes, is amended to read as follows:

"**§444-23 Violation; penalties.** (a) Any licensee who contracts outside the appropriate scope of classification licensed under or who violates section 444-9.3 or 444-17(18) shall be fined $500 for the first offense, $1,000 for the second offense, and not less than $1,500 or more than $2,000 for any subsequent offense.

(b) Except as provided in subsection (a), any person who violates or fails to comply with any of the provisions of this chapter shall be fined not less than $100 and not more than $5,000 for each violation[.]; provided that persons who violate section 444-9 shall be fined $500 or forty per cent of the total contract price, whichever is greater, for the first offense; $1,000 or forty per cent of the total contract price, whichever is greater, for the second offense; and $5,000 or forty per cent of the total contract price, whichever is greater, for any subsequent offense."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect on January 1, 1991.

(Approved June 25, 1990.)

ACT 245 S.B. NO. 2692

A Bill for an Act Relating to School Bus Contracts.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 296-46.1, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) The contract between the State and the contractor shall [not include an age limitation on] include an age limit for the school bus vehicles[.] which may be used. The serviceability of a vehicle shall be determined by chapter 286."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 25, 1990)

ACT 246

S B NO 2694

A Bill for an Act Relating to Collection Agencies

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Chapter 443B, Hawaii Revised Statutes, is amended by adding fifteen new sections to be appropriately designated and to read as follows

"**§443B- Certificate of registration.** Each certificate of registration shall be in a form prescribed and signed by the director, and shall be issued in the name of the department

§443B- Notice of termination of business. (a) Not less than sixty days before a collection agency terminates its business operations in the State, the registrant shall transmit a notarized statement to the director and to each of the agency's clients indicating

(1) That the registrant intends to terminate business in this State,
(2) The effective date of the termination, and
(3) That prior to the termination, the registrant shall lawfully expend or disburse all funds acquired in the course of business

(b) If the registrant intends to transfer its client accounts to another collection agency, the notification shall also include

(1) The name, address, telephone number, and registration number of the purchasing agency, and the purchasing agency's principal collector in this State to whom the accounts will be assigned, and
(2) The date on which the purchasing agency intends to begin servicing the accounts transferred by the terminating agency

(c) Registration is not canceled until the director has received the notice of termination, the terminating collection agency's registration, and if applicable, verified the validity of the purchasing agency's registration

§443B- Termination of business and surrender of certificate of registration. Within ten days after termination of the business, the registrant shall surrender the certificate of registration to the director

§443B- Notification of change. Every collection agency shall notify the director in writing of any material change at any time during the application process or the period of registration

§443B- Single act; evidence of practice. Evidence that a collection agency has committed any act which is prohibited by this chapter shall be sufficient to justify the remedies set forth in this chapter, without proof of a general course of conduct

§443B- Transfer of registration. No registration, including the rights, privileges, and obligations thereof, shall be assigned, sold, leased, encumbered, or otherwise transferred, voluntarily or involuntarily, directly or indirectly including by transfer of control of any collection agency, whether by change in ownership or otherwise, except upon written application to and approval by the director The form of the application shall be prescribed by the director

§443B- Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

§443B- Fiduciary responsibility. Each collection agency shall be considered a fiduciary with respect to its clients and shall keep and disburse funds collected on its client's behalf in strict compliance with any agreement made with a client and with all applicable laws

§443B- Fine, revocation, suspension, termination, denial of registration, renewal of registration, or restoration of registration. The director may fine any agency, revoke or terminate any registration, suspend the right of the registrant to use the registration, or refuse to renew or restore a registration for any of the following causes

(1) Dishonesty, deceit, fraud, or gross negligence in conducting business as a collection agency,
(2) Advertising by means of false and deceptive statements or by statements which tend to deceive or defraud,
(3) Advertising or acting as a collection agency without a current and active certificate of registration issued under this chapter,
(4) Violation of any provision of this chapter or the rules adopted pursuant thereto,
(5) Commingling of clients' funds or other property,
(6) Breach of fiduciary duty,
(7) Failure to notify the director in writing of any material change in information; and
(8) Providing false or misleading information at the time of application or during the time of registration

§443B- Biennial renewal requirement. (a) Each collection agency shall renew its registration by June 30 of each even-numbered year

(b) When renewing its registration, an agency shall submit to the director the following

(1) An application on a form prescribed by the director,
(2) Satisfactory evidence that the collection agency is bonded as required by section 443B-5,
(3) A certificate of good standing or a certificate of authority issued by the business registration division, if the applicant is a corporation, partnership, or joint venture,
(4) The name and business address of the applicant's principal collector who is authorized to directly manage and control the daily operations of the applicant's Hawaii office; and
(5) A renewal fee in the amount specified by rule.

(c) Failure on the part of a collection agency to renew its registration as provided in subsection (a) shall cause the registration to be forfeited, provided that the director may make an exception for good cause shown.

§443B- Restoration of forfeited registration. (a) A forfeited registration may be restored by submitting an application provided by the director and by paying a delinquent renewal fee and a restoration fee in the amount specified by rule.

(b) Failure to restore a forfeited registration within sixty days of forfeiture shall cause the registration to be terminated

(c) The director may extend the sixty day limitation for good cause shown

(d) Upon termination of registration, the collection agency shall cease to do business

(e) Within fifteen days of receipt of the notification of termination, the collection agency may request an administrative hearing pursuant to chapter 91 to contest the termination

§443B- Collecting without a registration. Any collection agency whose registration has been terminated but continues to conduct business as a collection agency shall be engaging in an unregistered activity, and any agency so engaged, and any employee or agent of the agency who engages in an unregistered activity, shall be subject to the sanctions provided in this chapter Nothing in this chapter shall be deemed to limit or prohibit other available civil or criminal actions against an agency engaged in an unregistered activity or any employee or agent of the agency engaged in an unregistered activity

§443B- Hearings. (a) Before any action to revoke, suspend, or terminate a registration, the applicant or registrant shall be entitled to a notice and hearing pursuant to chapter 91

(b) If an application for registration, renewal, or restoration is denied, the director shall notify the applicant by letter of the action taken. The notice shall include a statement of the reasons therefor and shall inform the applicant of the right to contest the decision

§443B- Audits. (a) When the director has reasonable cause to believe that a registrant created deficiencies or other problems in accounts which hold funds or other forms of payment collected on behalf of a complainant, the director may order an audit of the account or accounts, or an unannounced verification of the account's cash balance The audit or verification shall be conducted by a certified public accountant, public accountant, or other designee of the director

(b) If an audit or unannounced verification of an account ordered by the director reveals deficiencies or other problems in accounts which hold client funds and other forms of payment, the cost of the audit or the verification shall be paid by the collection agency If an audit or unannounced verification of an account ordered by the director does not reveal deficiencies and problems in accounts, the cost of the audit or unannounced verification shall be paid by the complainant Failure of a collection agency to pay for an audit or unannounced verification within thirty days of receipt of the billing statement shall result in suspension of the agency's registration until payment is made

§443B- Furnishing deceptive forms. It is unlawful for any person who is not a registered collection agency to design, compile, or furnish any form knowing that the form could be used to create a belief in a debtor that the person who designed, compiled or furnished the form is a collection agency "

SECTION 2 Section 443B-1, Hawaii Revised Statutes, is amended by adding eight new definitions to be appropriately inserted and to read as follows

" "Client" means a person who offered or extended credit which created a debt, or to whom a debt is owed, and who engages the professional services of a collection agency The term does not include any person who receives an

assignment or transfer of a debt in default solely for the purpose of facilitating collection of a debt for another.

"Communication" means directly or indirectly conveying information regarding a debt to any person by any means.

"Debt" means any obligation or alleged obligation of a consumer to pay money or other forms of payment arising out of a transaction in which the money, property, insurance, or services, which are the subject of the transaction, are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

"Debtor" means any person or the person's spouse, parent (if the person is a minor), guardian, executor, or administrator obligated or allegedly obligated to pay a debt.

"Material change" means any change of circumstance which might affect a collection agency's registration, including the assigning, selling, leasing, encumbering, or other transfer of the rights, privileges, and obligations of a collection agency, whether voluntarily or involuntarily or directly or indirectly, including by transfer of fifty-one per cent of control of any collection agency, whether by change in ownership or otherwise.

"Regularly repossesses" means to locate, confiscate, and return merchandise or chattels to a client whenever the client requires service.

"Regular practice" means duties being of the sort or kind that are expected, ordinary, or typical of the profession.

"Regular wage or salary" means the expected, ordinary, or typical payment for employment."

SECTION 3. Section 443B-1, Hawaii Revised Statutes, is amended by amending the definition of "collection agency" to read:

" "Collection agency" means any person, whether located within or outside this State, who by oneself or through others offers to undertake or holds oneself out as being able to undertake or does undertake to collect for another person, claims or money due on accounts or other forms of indebtedness for a commission, fixed fee, or a portion of the sums so collected.

"Collection agency" includes:

(1) Any person using any name other than the person's own in collecting the person's own claims with the intention of conveying, or which tends to convey the impression that a third party has been employed;

(2) Any person who, in the conduct of the person's business for a fee, regularly repossesses any merchandise or chattels for another; and

(3) Any person who regularly accepts the assignment of claims or money due on accounts or other forms of indebtedness and brings suits upon the assigned claims or money due on accounts or other forms of indebtedness in the person's own name; provided that any suits shall be initiated and prosecuted by an attorney who shall have been appointed by the assignee; provided further that any person who by oneself or through others offers to undertake or holds oneself out as being able to undertake or does undertake to collect for another person the amounts due under any agreement which provides for installment payments and which is secured by an interest in real property, including without limitation, mortgage loans and agreements of sale, whether or not the collection servicing agent receives any compensation or other consideration for one's services, shall fall within the purview of chapter 454D.

"Collection agency" does not include licensed attorneys at law acting within the scope of their profession, licensed real estate brokers, and salesmen residing in this State when engaged in the regular practice of their profession, nor banks, trust companies, building and loan associations, savings and loan associations, financial services loan companies, credit unions, companies doing an escrow business, individuals regularly employed on a regular wage or salary in the capacity of credit men or in other similar capacity for a single employer who is not a collection agency, nor any person doing business subject to public supervision and regulation, nor any public officer or any person acting under an order of court."

SECTION 4. Section 443B-2, Hawaii Revised Statutes, is amended to read as follows:

"[~~]§443B-2[~~] **Powers and duties of the director.** In addition to any other duties and powers granted by this chapter, the director shall:

(1) Grant certificates of registration to collection agencies pursuant to this chapter;

(2) [adopt,] Adopt, amend, or repeal rules as the director deems proper to fully effectuate this chapter[ ];

(3) Enforce this chapter and the rules relating to collection agencies;

(4) Fine, suspend, terminate, or revoke any registration for any cause prescribed by this chapter, or for any violation of the rules, and refuse to grant any registration for any cause which would be grounds for revocation, termination, or suspension of a registration;

(5) Investigate the actions of any person or agency acting or alleged to be acting in the capacity of a registrant under this chapter;

(6) Order an audit of an account or an unannounced verification of an account's cash balance; and

(7) Extend the deadlines required under this chapter and the rules; provided that the registrant or applicant meets the conditions and requirements prescribed."

SECTION 5. Section 443B-3, Hawaii Revised Statutes, is amended to read as follows:

"[~~]§443B-3[~~] **Registration required.** (a) No collection agency shall collect or attempt to collect any money or any other forms of indebtedness alleged to be due and owing from any person who resides or does business in this State without first registering under this chapter.

(b) Registration shall include:

(1) Submission of a complete application for registration;

(2) Submission of a certificate of good standing or a certificate of authority from the business registration division;

(3) Payment of appropriate fees;

(4) Filing and maintenance of a bond in the amount prescribed in section 443B-5;

(5) Maintenance of a regular active business office in the State; and

(6) Designation of a principal collector, as prescribed in section 443B-6.

[(b)] (c) Any collection agency [who] which has filed a bond with the director and maintained that bond in full force and effect, [shall be registered under this chapter subject to:

(1) Meeting all the requirements of this chapter;

(2) Submitting an application to the director within ninety days of June 6, 1987; and
(3) Paying the registration fee.

Any collection agency who] and which has not filed an application and paid the registration fee within ninety days of June 6, 1987, shall submit an application in the same manner as a new applicant subject to the provisions of section 443B-4, 443B-6, and 443B-7."

SECTION 6. Section 443B-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Each collection agency shall file and maintain with the director a bond in the penal sum of $25,000 for the first office in this State and $15,000 for each additional office[.] in this State."

SECTION 7. Section 443B-5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) Failure, refusal, or neglect of a collection agency to maintain in full force and effect a bond as required by this section shall cause the automatic suspension of the registration of the collection agency effective as of the date of expiration, termination, or cancellation of the bond. The director shall not reinstate the affected registration until satisfactory proof of bond coverage is submitted to the director as required by this section. Failure to effect a reinstatement of a suspended registration within sixty days of the expiration of the requirements of registration shall cause it to be [terminated,] forfeited, thereby forfeiting all registration and biennial renewal fees. A collection agency, within fifteen days after receipt of the notification of the registration [termination,] forfeiture, may request an administrative hearing to review the [termination] forfeiture pursuant to chapter 91."

SECTION 8. Section 443B-7, Hawaii Revised Statutes, is amended to read as follows:

"**[[§443B-7]] Fees[; biennial renewal; restoration].** [(a) The fees for collection agencies shall be as follows:

(1)	Application fee	$25
(2)	Registration fee:	
	(A) First year of biennium (original registration fee, plus one-half of the biennial renewal fee)	$80
	(B) Second year of biennium (original registration fee)	$40
(3)	Renewal fee	$80
(4)	Restoration fee	$80
(5)	Duplicate identification card	$ 5
(6)	Duplicate certificate fee	$ 5
(7)	Compliance resolution fund:	
	(A) Compliance resolution fund fee	$10
	(B) Annual compliance resolution fund fee	$10
	(C) Biennial compliance resolution fund fee	$20

(b) Every collection agency registered under this chapter shall pay a renewal fee on or before June 30 of each even-numbered year. Failure, neglect, or refusal to pay the renewal fee shall constitute a forfeiture of the registration as of the date of expiration. Any registration so forfeited may be restored upon filing of an application and payment of any delinquent renewal fees and a restoration fee.] Every collection agency shall pay to the department the fees specified in this chapter in the amounts specified by rule."

SECTION 9 Section 443B-8, Hawaii Revised Statutes, is amended to read as follows:

"**[|§443B-8|] Manner in which records, [and] funds, and other forms of indebtedness are to be kept by collection agencies.** (a) Every collection agency shall keep and maintain a permanent record or have immediate access to copies of the permanent record of all [sums] funds and other forms of indebtedness collected by it, and of all disbursements[, and]. Every collection agency shall maintain and keep [the records and] a record of[' all clients'] funds [within the State] or have immediate access to copies of the record. No person wilfully shall make any false entry in any collection agency record, or intentionally mutilate, destroy, conceal, or in any way dispose of any record.

(b) A collection agency shall not commingle the money of its clients with its own, but shall maintain a separate trust account for clients' funds[.] in a federally insured financial institution."

SECTION 10. Section 443B-10, Hawaii Revised Statutes, is amended to read as follows:

"**[|§443B-10|] Reports and payments by agency.** Every collection agency shall, within thirty days after the close of each calendar month, report and pay to its clients the net amount due to each client out of all collections made during the preceding calendar month.

In the event the gross amount due is paid to a client and the client fails to pay a collection agency any sums due under this section, the collection agency shall have, in addition to other remedies provided by law, the right to offset any moneys due the collection agency under this section against any moneys due its client."

SECTION 11. Section 443B-15, Hawaii Revised Statutes, is amended to read as follows:

"**[|§443B-15|] Threats or coercion.** No collection agency shall collect or attempt to collect any money or other forms of indebtedness alleged to be due and owing by means of any threat, coercion, or attempt to coerce, including any conduct which is described as follows:

(1) The use, or express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person;

(2) The accusation or threat to falsely accuse any person of fraud or any crime or any conduct which, if true, would tend to disgrace the other person or in any way subject a person to ridicule or any conduct which, if true, would tend to disgrace the other person or in any way subject a person to the ridicule or contempt of society;

(3) False accusations made to another person, including any credit reporting agency that a debtor or an alleged debtor has not paid a just debt, or threat to so make false accusations;

(4) The threat to sell or assign to another the obligation of a debtor or an alleged debtor with an attending representation or implication that the result of the sale or assignment would be that the debtor or alleged debtor would lose any defense to the claim or would be subjected to harsh, vindictive, or abusive collection attempts; and

(5) The threat that nonpayment of an alleged claim will result in the arrest of any person."

SECTION 12. Statutory material to be repealed is bracketed. New statutory material is underscored.[2]

SECTION 13. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5

ACT 247 S.B. NO. 2695

A Bill for an Act Relating to the Hawaii Public Broadcasting Authority.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 314, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§314- Revolving fund personnel.** The Hawaii public broadcasting authority may use the moneys in the public broadcasting revolving fund to employ necessary personnel in temporary positions not subject to chapters 76 and 77, to fully effectuate and carry out the purposes of this chapter."

SECTION 2. Section 314-15, Hawaii Revised Statutes, is amended to read as follows:

"**[[]§314-15[]] Personnel categories.** [Personnel] Except as provided in section 314- , personnel transferred to, assigned to, or hired by the Hawaii public broadcasting authority shall be placed in one of the following categories subject to review and approval by the director of personnel services:

(1) Category (a) - Clerical, nonprofessional, and nontechnical;
(2) Category (b) - Professional and technical; and
(3) Category (c) - Student help."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.[1]

SECTION 4. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 248 S.B. NO. 2697

A Bill for an Act Relating to Pharmacists.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 461-5, Hawaii Revised Statutes, is amended to read as follows:

"**§461-5 Qualifications for license.** (a) Any applicant for a license as a pharmacist shall submit evidence to the board that the applicant

(1) Is at least eighteen years of age

(2) Holds a degree from a school or college of pharmacy or department in a university, which school or college or department is recognized and accredited by the American Council of Pharmaceutical Education

(3) Has a minimum of [one year] two thousand hours practical experience in any state of the United States in a pharmacy under the supervision of a registered pharmacist Service and experience in a pharmacy under the supervision of a registered pharmacist as required in this section shall be predominantly related to the selling of drugs, compounding prescriptions, preparing pharmaceutical preparations, keeping records and making reports required under state and federal statutes In the event an applicant has no practical experience as required, the applicant may take the examination and upon passing the examination, shall not receive a license until after the fulfillment of the practical experience requirement

(4) Has passed an examination as may be prescribed by the board

[(b) Any registered pharmacist of any state or territory of the United States who has practiced pharmacy there for two years or more shall be eligible to take the examination, provided that the applicant submits evidence to the board that the applicant is certified or licensed, and in good standing to practice pharmacy in another state

(c)] (b) Any applicant who is a graduate of a school or college of pharmacy located outside the United States, whose school or college of pharmacy has not been recognized by the board as an accredited school but who is otherwise qualified to apply for a license to practice pharmacy in this State, may be deemed to have satisfied the requirements of section 461-5(a)(2) by verification to the board of the applicant's academic record and the applicant's graduation and by meeting other requirements as the board may establish from time to time The board shall require the applicant to successfully pass an examination or examinations given or approved by the board to establish proficiency in English and equivalency of education of such applicant with qualified graduates of a school or college recognized by the board as a prerequisite to taking the licensure examination provided for in section 461-6 "

SECTION 2 Section 461-7, Hawaii Revised Statutes, is amended to read as follows

"**§461-7 Temporary license.** (a) [An applicant for examination who is a registered pharmacist as specified in section 461-5(b),] A registered pharmacist of any state or territory of the United States who is not eligible for licensure by reciprocity under section 461-8 5 may be granted a temporary license by the board, provided that the person shall first pass the state jurisprudence examination with a score of not less than seventy-five

(b) A temporary license shall not entitle the holder to a permanent license, and no permanent license shall be issued until the person has passed the remaining licensure examinations set forth in section 461-6 Only one temporary license shall be issued to the same applicant

(c) A temporary license shall only remain in effect until the results of the next licensure examinations are announced, provided that the board may extend any temporary license, upon written [application,] request, and[1] for good and just cause Any applicant who fails to take or to pass the next licensure

examination shall surrender the temporary license. The board shall receive a fee for the issuance of a temporary license."

SECTION 3. Section 461-8, Hawaii Revised Statutes, is amended to read as follows:

"**§461-8 Renewal of licenses.** (a) All licenses issued by the board, except temporary licenses issued under section 461-7, shall be renewed biennially on or before December 31 of each odd-numbered year.

(b) Any holder of any expired license may be reinstated as a registered pharmacist upon payment of [a] any penalty fee [and all fees which the person would have paid if the person had continuously renewed the license.], the current biennial fees, and the renewal fee for the next biennium, if applicable.

(c) In the event that the pharmacist has not engaged in the practice of pharmacy in this State or in another state or territory of the United States within the past five years, the board may require the pharmacist to satisfy additional requirements, as specified in rules adopted pursuant to chapter 91, to demonstrate that the pharmacist is competent to practice in this State."

SECTION 4. Section 461-8.5, Hawaii Revised Statutes, is amended to read as follows:

"**[|§461-8.5|] Reciprocity.** (a) Any pharmacist who is registered or licensed under the laws of any state or territory of the United States with qualifications for licensure which equal or exceed those of this State, shall be eligible for licensure provided that (1) the pharmacist possesses a current valid license; (2) has practiced as a registered pharmacist for two thousand hours or more within the five years preceding the date of application; [(2)] (3) there is no disciplinary action pending or other unresolved complaints against the pharmacist in any state or territory; and [(3)] (4) the laws of the other state or territory grant reciprocal treatment to licensees of this State. The board may examine such licensees only as to knowledge of this State's statutes and rules.

(b) If a registered pharmacist has not engaged in the practice of pharmacy in any state or territory of the United States for more than five years, the board may require the pharmacist to satisfy additional requirements, as specified in rules adopted pursuant to chapter 91, to demonstrate that the pharmacist is competent to practice in this State."

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 25, 1990)

Note

1. So in original.

ACT 249 S B NO 2706

A Bill for an Act Relating to Public Lands

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $500,000, or 0 020 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act

SECTION 2 Act 237, Session Laws of Hawaii 1988, is amended by amending section 4 to read as follows

"SECTION 4 In negotiating and executing a lease as authorized by section 2, the board of land and natural resources shall

(1) Require appraisal of the parcel in accordance with section 171-17(b)
(2) Impose such other lease provisions, restrictions, and conditions provided by sections 171-35, 171-36, and 171-37 as may be required to protect the State's interests,
(3) Recover from the lessee the [costs] cost of [surveying and] subdividing the parcel [incurred by the department], and
(4) Require the payment of annual lease rent based on fair market value and a premium, computed at twenty-five per cent of annual lease rent, with the premium to be added to the annual lease rent for each year of the lease equal to the number of years that the lessee had occupied the land under revocable permit, as illustrated by the following example if a lessee had occupied the land under revocable permit for ten continuous years, the twenty-five per cent premium shall be part of the annual lease rent for the first ten years of the lease "

SECTION 3 Act 237, Session Laws of Hawaii 1988, is amended by amending section 6 to read as follows

"SECTION 6 There is appropriated out of the general revenues of the State of Hawaii the sum of $500,000, or so much thereof as may be necessary for each of the fiscal [year] years 1988-1989[,] and 1990-1991, to [implement] carry out the purposes of this Act The [sum] sums appropriated shall be expended by the department of land and natural resources for the purposes of this Act The department of land and natural resources may hire temporary personnel and consultants without regard to the requirements of chapters 76 and 77, and section 78-1 to carry out duties and responsibilities necessary in implementing this Act "

SECTION 4 Act 237, Session Laws of Hawaii 1988, is amended by amending section 7 to read as follows

SECTION 7 This Act shall take effect on July 1 1988 and shall be repealed on July 1, [1991] 1992 "

SECTION 5 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 6 This Act shall take effect on July 1, 1990

(Approved June 25 1990)

ACT 250 S B NO 2728

A Bill for an Act Relating to Disclosure of Personal Records

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Chapter 89, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"**§89- Disclosure to an exclusive representative.** (a) The appropriate government agencies shall disclose to an exclusive representative as defined in chapter 89, information relating to the administration of payroll deductions as authorized by section 89-4, as follows name social security number bargaining unit, date of change in bargaining unit status of the employee, full time equivalence of the employee, the employee's leave without pay status with effective dates and duration basic rate of pay, types and effective dates of personnel actions that affect the amount and payment of the basic rate of pay, salary scale and range or equivalent, salary step or equivalent, amounts and dates of differential pay, amounts and dates of statutory dues deductions, and amounts and dates of other authorized voluntary payroll deductions remitted to the exclusive representative except that this provision shall not apply to information regarding present or former employees involved in an undercover capacity in a law enforcement agency

(b) Information disclosed to the exclusive representative under this section shall be provided on a timely basis

(c) An exclusive representative receiving government records pursuant to this section shall be subject to the same restrictions on disclosure of the records as the originating agency "

SECTION 2 Chapter 88, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"**§88- Disclosure of information.** (a) The employees retirement system shall disclose to the Hawaii public employees health fund and employee organizations information related to the administration of pension, annuity, or retirement allowance deductions, as follows name, social security number, amounts and dates of both voluntary and mandatory deductions remitted to the recipient

(b) Any government agency or employee organization receiving government records pursuant to this section shall be subject to the same restrictions on disclosure of the records as the originating agency

SECTION 3 Chapter 40, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows·

"**§40- Disclosure of information.** (a) The appropriate government agencies shall disclose to the recipient of payroll deductions information related to the administration of payroll deductions as follows name, social security number, and amounts and dates of both voluntary and mandatory payroll deductions remitted to the recipient

(b) An employee organization or other recipient receiving government records pursuant to this section shall be subject to the same restrictions on disclosure of the records as the originating agency "

SECTION 4 Section 92F-21 5, Hawaii Revised Statutes, is repealed

SECTION 5 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 6 This Act shall take effect upon its approval

(Approved June 25, 1990)

Note

1 Edited pursuant to HRS §23G-16 5

ACT 251 S B NO 2769

A Bill for an Act Relating to the Housing Finance and Development Corporation

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Chapter 201E, Hawaii Revised Statutes, is amended by adding a new section to part III, subpart C, to be appropriately designated and to read as follows

"**§201E- Nonprofit organizations; government agencies.** (a) The corporation may retain dwelling units in a project to the extent it determines necessary and appropriate, for sale, lease, or rental to nonprofit organizations and government agencies The dwelling units shall be used by the nonprofit organizations and government agencies for the purposes of providing housing opportunities and related support services to special needs individuals or families These purposes include, but are not limited to, the use of dwelling units for group homes and congregate living facilities and for government employees in special situations The corporation, in consultation with other appropriate government agencies, shall adopt rules pursuant to chapter 91 necessary to implement this subsection, including, but not limited to, rules relating to the eligibility and qualifications of nonprofit organizations and government agencies, rules relating to the eligibility and qualifications of clients of nonprofit organizations and government agencies to whom housing opportunities may be made available, and rules restricting the use, sale, or transfer of, and authorizing repurchase of, dwelling units sold, leased, or rented pursuant to this subsection The corporation, to the extent appropriate, shall have the same powers with respect to nonprofit organizations and government agencies purchasing, leasing, or

renting dwelling units as the corporation has with respect to qualified residents purchasing, leasing, or renting dwelling units.

(b) In connection with the development of any residential units under this chapter, the corporation may also make provisions for the development of appropriate community facilities. The corporation may:

(1) Sell, lease, or rent vacant land or land with site improvements to nonprofit organizations or government agencies for purposes of developing the community facilities; or

(2) Develop, on behalf of the State or with an eligible developer, the community facilities and then sell, lease, rent, or otherwise transfer or make available these facilities to nonprofit organizations or government agencies.

The corporation shall adopt rules pursuant to chapter 91 necessary to implement this subsection."

SECTION 2. Section 201E-2, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

" "Nonprofit organization" means a corporation, association, or other duly chartered entity which is registered with the State, and which has received charitable status under the Internal Revenue Code of 1986, as amended."

SECTION 3. Section 201E-201, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The corporation may develop fee simple or leasehold property, construct dwelling units thereon, including condominiums, planned units, and cluster developments, and sell, lease, or rent or cause to be leased or rented, at the lowest possible price to qualified residents, nonprofit organizations, or government agencies [of the State], with an eligible developer or in its own behalf, either:

(1) Fully completed dwelling units with the appropriate interest in the land on which the dwelling unit is located; or

(2) Units which are substantially complete and habitable with the appropriate interest in the land on which the dwelling unit is located; or

(3) The land with site improvements (other than the dwelling unit) either partially or fully developed."

SECTION 4. Section 201E-201, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) Upon authorization by the legislature, the corporation shall cause the State to issue general obligation bonds to finance:

(1) Land acquisition;

(2) The development and improvement of land;

(3) The construction of dwelling units;

(4) The purchase, lease, or rental of land and dwelling units by qualified residents, nonprofit organizations, or government agencies under this chapter;

(5) Payment of any services contracted for under this chapter, including profit or recompense paid to partners, and including community information and advocacy services deemed necessary by the corporation to provide for citizen participation in the development of housing projects, the implementation of this chapter, and the staffing of any citizen advisory committee the corporation may establish;

(6) The cost of repurchase of units under section 201E-221;

(7) Loans for the rehabilitation and renovation of existing housing; and

(8) Any other moneys required to accomplish the purposes of this chapter "

SECTION 5 Section 201E-217, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows

"(c) In managing the fund, the corporation may cooperate with other public and private nonprofit [agencies or entities] organizations and may enter into loan agreements with them The necessity for the extent and nature of security required for a loan shall be determined by the corporation The security may include, but is not limited to, a borrowing resolution of the nonprofit [entity] organization

The foregoing powers are subject, however, to the following restrictions and limitations

(1) No single loan shall exceed two per cent of the project cost,
(2) The loan shall be repaid with simple interest in the amount of six per cent per year,
(3) The moneys loaned shall be used only for the planning, development, and initial costs of commencing projects to provide nonprofit low or moderate cost housing "

SECTION 6 Section 201E-217, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows

"(e) For the purposes of this section, "government assistance programs" means housing programs qualified by the corporation and administered or operated by the corporation or the United States or any of their political subdivisions, agencies, or instrumentalities, corporate or otherwise [For the purposes of this section, a "nonprofit entity" is a corporation, association, or other duly chartered organization registered with the State, which organization has received charitable status under the Internal Revenue Code or as defined by rules adopted by the corporation]"

SECTION 7 Section 201E-220, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows

"(a) The corporation shall sell completed dwelling units or dwelling units which are substantially completed and habitable, developed and constructed hereunder, to qualified residents in fee simple, or shall cause them to be leased or rented to qualified residents, at a price or rental based on costs as determined by the corporation[, provided that the corporation may retain such units as necessary in a project for lease or rental to nonprofit community organizations for community activity or facility purposes] The gross share to the other partners or contract payments and any amounts subsidized by the State, including but not limited to the land, need not be counted as cost so as to increase the price. Such may be borne by the State, under rules subject to reimbursement upon sale as provided for in section 201E-221 "

SECTION 8 Section 4 of Act 15, Session Laws of Hawaii 1988, is amended by amending subsection (a) to read as follows

"(a) The corporation, as defined in Section 201E-2, may develop fee simple or leasehold property, construct dwelling units thereon, including condominiums, planned units, and cluster developments, and sell, lease, or rent or cause to be leased or rented, at the lowest possible price to qualified residents, nonprofit organizations, or government agencies [of the State], with an eligible developer or in its own behalf, either

(1) Fully completed dwelling units with the appropriate interest in the land on which the dwelling unit is located; or
(2) Units which are substantially complete and habitable with the appropriate interest in the land on which the dwelling unit is located; or
(3) The land with site improvements (other than the dwelling unit) either partially or fully developed."

SECTION 9. Section 4 of Act 15, Session Laws of Hawaii 1988, is amended by amending subsection (e) to read as follows:

"(e) Upon authorization by the legislature, the corporation shall cause the State to issue general obligation bonds to finance:

(1) Land acquisition;
(2) The development and improvement of land;
(3) The construction of dwelling units;
(4) The purchase, lease, or rental of land and dwelling units by qualified residents, nonprofit organizations, or government agencies under this Act;
(5) Payment of any services contracted for under this Act, including profit or recompense paid to partners, and including community information and advocacy services deemed necessary by the corporation to provide for citizen participation in the development of housing projects, the implementation of this Act, and the staffing of any citizen advisory committee the corporation may establish;
(6) The cost of repurchase of units under section 201E-221;
(7) Loans for the rehabilitation and renovation of existing housing; and
(8) Any other moneys required to accomplish the purposes of this Act."

SECTION 10. Statutory material to be repealed is bracketed. New statutory material is underscored.[1]

SECTION 11. This Act shall take effect upon its approval.

(Approved June 25, 1990)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 252 S.B. NO. 2811

A Bill for an Act Relating to Criminal Data.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 846, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§846- County liquor commissions; criminal history record check.** (a) The county liquor commissions may request a background check on an applicant for a liquor license. For the purposes of this section, "criminal history record check" means an examination or search for evidence of an individual's criminal history by means of:

(1) A search for the individual's fingerprints in the national criminal history record files and, if found, an analysis and any other information available pertaining thereto, and

(2) A criminal history record check conducted by the Hawaii criminal justice data center, provided that the Hawaii criminal justice data center may charge a reasonable fee for criminal history record checks performed

The background check, at a minimum, shall require the applicant to disclose whether

(1) The applicant has been convicted in any jurisdiction of a crime that would tend to indicate the applicant may be unsuited for obtaining a liquor license, and

(2) The judgment of conviction has not been vacated

For the purpose of this section, the criminal history disclosure made by the applicant may be verified by the liquor commission by means of information obtained through the Hawaii criminal justice data center The applicant shall provide the Hawaii criminal justice data center with personal identifying information which shall include, at a minimum, the applicant's name, social security number, date of birth, and sex This information shall be secured only for the purpose of conducting the criminal history record check authorized by this section

(b) The applicant shall submit to the liquor commission

(1) A statement signed under penalty of perjury whether the applicant has ever been convicted of a crime other than a minor traffic violation,

(2) Written consent to the liquor commission to request and obtain criminal history record information for verification,

(3) Permission to be fingerprinted

(c) The liquor commission shall obtain criminal history record information through the Hawaii criminal justice data center on the applicant The information obtained shall be used exclusively for the stated purpose for which it was obtained and shall be subject to applicable federal laws and regulations currently or hereafter in effect "

SECTION 2 New statutory material is underscored [1]

SECTION 3 This Act shall take effect upon its approval

(Approved June 25 1990)

Note

1 Edited pursuant to HRS §23G 16 5

ACT 253 S B NO 2837

A Bill for an Act Relating to Motor Vehicle Insurance

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The purpose of this Act is to make clear that the legislature does not intend that free no-fault auto insurance be provided to welfare recipients who use their motor vehicles for commercial purposes The Act also provides free no-fault auto insurance to unlicensed permanently disabled individuals who are unable to operate their vehicles

SECTION 2. Section 431:10C-407, Hawaii Revised Statutes, is amended to read as follows:

"**§431:10C-407 Classifications.** (a) The commissioner shall establish classifications of eligible persons and uses for which the joint underwriting plan shall provide both the required no-fault policies and any optional additional insurance an eligible person or user applies for. The commissioner shall, by regulation, establish, implement, and supervise the joint underwriting plan, through the bureau, assuring that insurance for motor vehicles will be conveniently and expeditiously afforded, subject only to payment or provision for payment of the premium, to all applicants for insurance required by this part to provide insurance for payment of no-fault and tort liability insurance, or optional additional benefits, and who cannot reasonably obtain insurance at rates not in excess of those applicable to applicants under the plan.

(b) The plan shall provide all no-fault benefits and services, and tort liability coverage to the limits and coverages specified in this article for all classes of persons, motor vehicles and motor vehicle uses specified in this article upon the payment of premiums as provided in subpart C, as follows:

(1) The plan shall provide no-fault benefits and policies for each of the following classes, and each class shall be able to secure a no-fault and tort liability policy through the plan:
   (A) All motor vehicles owned by licensed assigned risk drivers as the commissioner, by rules, shall define. The commissioner shall regulate the class in accordance with the general practice of the industry, the applicable results, if any, of the commissioner's examination of the motor vehicle insurers' business records and experience, and any applicable and scientifically credible governmental or academic studies of the multi-accident or high-risk automobile driver.
   (B) All motor vehicles owned by licensed drivers convicted within the thirty-six months immediately preceding the date of application, in any jurisdiction of any one or more of the offenses of, or of the offenses cognate to:
      (i) Heedless and careless driving;
      (ii) Driving while license suspended or revoked;
      (iii) Leaving the scene of an accident;
      (iv) Manslaughter, if resulting from the operation of a motor vehicle; or
      (v) Driving under the influence of an intoxicating liquor as provided in section 291-4 or any drug, except marijuana, as provided in section 291-7.
   (C) All commercial uses, first class, defined as any commercial use engaged in the transport of passengers for hire or gratuity.
   (D) All commercial uses, second class, defined as any commercial, business, or institutional use other than the transport of passengers as described in [[]subparagraph[]] (C) or the exclusive use of a vehicle for domestic-household-familial purposes.
(2) The plan shall provide no-fault benefits and policies for all classes of persons, motor vehicles, and motor vehicle uses, at the premiums specified under subpart C, at the options of the owners, for the following classes, which the commissioner, by rules, shall further define and regulate:
   (A) All licensed drivers, or unlicensed permanently disabled individuals unable to operate their motor vehicles, who are re-

ceiving public assistance benefits consisting of medical services or direct cash payments through the department of [social] human services [and housing], or benefits from the supplemental security income program under the social security administration, provided that the licensed drivers, or unlicensed permanently disabled individuals unable to operate their motor vehicles, are the sole registered owners of the motor vehicles to be insured, provided further that not more than one vehicle per public assistance unit shall be insured under this part, unless extra vehicles are approved by the department of [social] human services [and housing] as being necessary for medical or employment purposes[ ], provided further that the motor vehicle to be insured shall be used strictly for personal purposes, and not for commercial purposes

(B) Any licensed physically handicapped driver, including drivers with any auditory limitation

Each category of driver/owner under [[]subparagraphs[]] (A) and (B) may secure no-fault coverage through the plan at the individual's option, provided any previous no-fault policy has expired or has been cancelled Any person becoming eligible for plan coverage under [[]subparagraph[]] (A) shall first exhaust all paid coverage under any no-fault policy then in force before becoming eligible for plan coverage

Any person eligible or becoming eligible under rules adopted by the commissioner under [[]subparagraph[]] (B), may at any time elect coverage under the plan and terminate any prior private insurer's coverage

A certificate shall be issued by the department of [social] human services [and housing] indicating that the person is a bona fide public assistance recipient as defined in [[]subparagraph[]] (A) The certificate shall be deemed a policy for the purposes of chapter 431 upon the issuance of a valid no-fault insurance identification card pursuant to section 431 10C-107

(3) Under the joint underwriting plan, all basic no-fault coverages, including the basic no-fault policy, the mandatory $35,000 public liability and the $10,000 property damage policies shall be offered by every insurer to each eligible applicant assigned by the bureau In addition optional additional coverages shall be offered by every insurer in conformance with section 431 10C-302, for each class except that defined in [[]paragraph[]] (2)(A), as the commissioner, by rules, shall provide

(c) The commissioner may further refine the definitions of the classifications provided for in subsection (b) "

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 4 This Act shall take effect upon its approval

(Approved June 25 1990)

ACT 254 S.B. NO. 2838

A Bill for an Act Relating to Captive Insurance Companies.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 431:19-102, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) The commissioner shall establish a list of advisors to assist with the review of captive applications. The commissioner shall appoint one advisor from the list to review a specific application. The advisor's fee, to be paid by the captive applicant, [shall not exceed $3,500 for a pure captive application and $7,500 for an association captive or a risk retention captive application.] shall be a reasonable fee authorized by the commissioner pursuant to section 431:19-114. [This provision shall be repealed on July 1, 1990.]"

SECTION 2. New statutory material is underscored. Statutory material to be repealed is bracketed.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

ACT 255 S.B. NO. 2839

A Bill for an Act Relating to Insurance Rating Organizations.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 431, Hawaii Revised Statutes, is amended by adding a new section 431:14-101.5 to read as follows:

"§431:14-101.5 Definitions. As used in this article, unless the context otherwise requires:

"Developed losses" means losses (including loss adjustment expenses) adjusted, using standard actuarial techniques, to eliminate the effect of differences between current payment or reserve estimates and those needed to provide actual ultimate loss (including loss adjustment expense) payments.

"Expenses" means that portion of a rate attributable to acquisition, field supervision, collection expenses, general expenses, taxes, licenses, and fees.

"Loss trending" means any procedure for projecting developed losses to the average date of loss for the period during which the policies are to be effective.

"Prospective loss costs" means that portion of a rate that does not include provisions for expenses (other than loss adjustment expenses) or profit, and are based on historical aggregate losses and loss adjustment expenses adjusted through development to their ultimate value and projected through trending to a future point in time.

"Rate" means that cost of insurance per exposure unit whether expressed as a single number or as a prospective loss cost with an adjustment to account for the treatment of expenses, profit, and individual insurer variation in loss experience, prior to any application of individual risk variations based on loss or expense considerations, and does not include minimum premium.

"Supplementary rating information" includes any manual or plan of rates, classification, rating schedule, minimum premium, policy fee, rating rule, underwriting rule, statistical plan, and any other similar information needed to determine the applicable rate in effect or to be in effect

"Supporting information" means

(1) The experience and judgment of the filer and the experience or data of other insurers, rating organizations, or advisory organizations relied on by the filer,
(2) The interpretation of any other data relied upon by the filer; and
(3) Descriptions of methods used in making the rates, and any other information required by the commissioner to be filed."

SECTION 2. Chapter 431, Hawaii Revised Statutes, is amended by adding a new section 431:14-104.5 to read as follows:

"**§431:14-104.5 Loss cost filings.** When required by the commissioner, the rating organization or advisory organization shall file for approval all prospective loss costs, and all supplementary rating information and every change or amendment or modification of any of the foregoing proposed for use in this State. The filings shall be subject to section 431:14-104 and section 431:14-106 and other provisions of article 14 relating to filings made by insurers."

SECTION 3. Chapter 431, Hawaii Revised Statutes, is amended by adding a new section 431:14-107.1 to read as follows:

"**§431:14-107.1 Rating and advisory organizations, permitted activity.** In addition to other activities not expressly prohibited by this article, rating organization and advisory organizations are authorized, on behalf of their members and subscribers, to

(1) Develop statistical plans including territorial and class definitions,
(2) Collect statistical data from members, subscribers, or any other source;
(3) Prepare and distribute prospective loss costs,
(4) Prepare and distribute factors, calculations or formulas pertaining to classification, territory, increased limits, and other variables,
(5) Prepare and distribute manuals of rating rules and rating schedules that do not include final rates, expenses provisions, profit provisions, or minimum premiums;
(6) Distribute information that is required or directed to be filed with the commissioner,
(7) Conduct research and on-site inspections in order to prepare classifications of public fire defenses,
(8) Consult with public officials regarding public fire protection as it would affect members, subscribers, and others,
(9) Conduct research and collect statistics in order to discover, identify, and classify information relating to causes or prevention of losses;
(10) Prepare policy forms and endorsements and consult with members, subscribers, and others relative to their use and application,
(11) Conduct research and on-site inspections for the purpose of providing risk information relating to individual structures,
(12) Collect, compile, and distribute past and current prices of individual insurers and publish that information,
(13) File final rates, at the direction of the commissioner, for residual market mechanisms; and

(14) Furnish any other services, as approved or directed by the commissioner, related to those enumerated in this section."

SECTION 4. Chapter 431, Hawaii Revised Statutes, is amended by adding a new section 431:14-107.2 to read as follows:

"**§431:14-107.2 Insurers and organizations, prohibited activity.** (a) Except as permitted in this article, no insurer, rating organization, or advisory organization shall:

(1) Attempt to monopolize, or combine or conspire with any other person to monopolize an insurance market; or

(2) Engage in a boycott, on a concerted basis, of an insurance market.

(b) No insurer shall agree with any other insurer or with a rating organization or with an advisory organization to mandate adherence to or to mandate use of any rate, rating plan, rating schedule, rating rule, policy or bond form, rate classification, rate territory, underwriting rule, survey, inspection or similar material, except as needed to develop statistical plans permitted by section 431:14-107.5. The fact that two or more insurers, whether or not members or subscribers of a rating organization or advisory organization, use consistently or intermittently the same rates, rating plans, rating schedules, rating rules, policy or bond forms, rate classifications, rate territories, underwriting rules, surveys or inspections, or similar materials is not sufficient in itself to support a finding that an agreement exists. Two or more insurers having a common ownership or operating in this State under common management or control may act in concert between or among themselves with respect to any matters pertaining to those activities authorized in this article as if they constituted a single insurer.

(c) No insurer, rating organization, or advisory organization shall make any arrangement with any other insurer, advisory organization, or other person which has the purpose or effect of restraining trade unreasonably or of substantially lessening competition in the business of insurance."

SECTION 5. Chapter 431, Hawaii Revised Statutes, is amended by adding a new section 431:14-107.3 to read as follows:

"**§431:14-107.3 Rating or advisory organizations, prohibited activity.** Except as specifically permitted under this article or any rule adopted thereunder, no rating or advisory organization shall compile or distribute recommendations relating to rates that include expenses (other than loss adjustment expenses) or profit."

SECTION 6. Section 431:14-101, Hawaii Revised Statutes, is amended to read as follows:

"**§431:14-101 Purpose.** The purpose of this article is to promote the public welfare by regulating insurance rates to the end that they shall not be excessive, inadequate, or unfairly discriminatory, and to authorize and regulate cooperative action among insurers in rate making and rate-making related activities and in other matters within the scope of this article. Nothing in this part is intended to:

(1) Prohibit or discourage reasonable competition; or

(2) Prohibit or encourage except to the extent necessary to accomplish the aforementioned purposes, uniformity in insurance rates, rating systems, rating plans, or practices.

This article shall be liberally interpreted to carry into effect the provisions of this section."

SECTION 7. Section 431:14-102, Hawaii Revised Statutes, is amended to read as follows:

"**§431:14-102 Scope.** (a) This article shall apply to[

(1) All] all classes, types, or forms of general casualty insurance as defined in section 431:1-209, surety insurance as defined in section 431:1-210, motor vehicle insurance, and workers' compensation and employers' liability insurance, on risks or operations in this State[

(2) All], and all classes, types or forms of property insurance as defined in section 431:1-206, and marine and transportation insurance as defined in section 431:1-207, on risks located in this State. Inland marine insurance shall be deemed to include insurance now or hereafter defined as inland marine insurance by

[(A)] (1) Statute, or by interpretation thereof[, or],

[(B)] (2) Ruling of the commissioner, if not defined or interpreted[.], or

[(C)] (3) By general custom of the business. In this article, the terms inland marine insurance and marine insurance are used in their generally accepted trade meanings.

(b) This article shall not apply to:

(1) Reinsurance, other than joint reinsurance to the extent stated in section 431:14-112,

(2) Disability insurance,

(3) [With respect to insurance described in subsection (a)(1), insurance] Insurance against loss or damage to aircraft or against liability, other than workers' compensation and employers' liability, arising out of the ownership, maintenance or use of aircraft,

(4) [With respect to insurance described in subsection (a)(2)

(A)] Insurance of vessels or craft, their cargoes, marine builder's risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance policies; and

[(B)] (5) Insurance of hulls of aircraft, including their accessories and equipment, or against liability arising out of the ownership, maintenance or use of aircraft."

SECTION 8. Section 431:14-103, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Rates shall be made in accordance with the following provisions:

(1) Rates shall not be excessive, inadequate, or unfairly discriminatory.

(2) Due consideration shall be given to:

(A) Past and prospective loss experience within and outside this State, provided that if the claim does not exceed the selected deductible amount pursuant to section 386-100, and the employer reimburses the insurer for the amount, such claims shall not be calculated in the employer's experience rating or risk category;

(B) The conflagration and catastrophe hazards, if any;

(C) A reasonable margin for underwriting profit and contingencies;

(D) Dividends, savings, or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members, or subscribers;
(E) Past and prospective expenses both country-wide and those specially applicable to this State;
(F) Investment income from unearned premium and loss reserve funds; and
(G) All other relevant factors within and outside this State.

(3) In the case of fire insurance rates, consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent five-year period for which such experience is available.

(4) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any class of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable.

(5) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses. No risk classification may be based upon race, creed, national origin, or the religion of the insured.

(6) Manual, minimum, class rates, rating schedules, or rating plans shall be made and adopted, except in the case of:
(A) Special rates where manual, minimum, class rates, rating schedules, or rating plans are not applicable[,]; and
(B) Specifically rated inland marine risks.

(7) No insurer authorized to do business in this State shall issue any policy which provides or makes available to any risks preferred rates based upon any grouping of persons, firms, or corporations by way of membership, license, franchise, contract, agreement, or any other method or means, other than common majority ownership of such risks, or except where:
(A) A common stock ownership in and management control of such risks are held by the same person, corporation or firm;
(B) Permitted or authorized by filings in existence as of January 1, 1988 under the casualty rating law and the fire rating law, as such filings may be amended from time to time;
(C) Health care providers, as defined in section 671-1 which could have joined the patient's compensation fund as it existed in chapter 671, part III, prior to May 31, 1984, joined together with one or more groups of related or unrelated health care providers;
(D) Permitted under article 12; or
(E) Otherwise expressly provided by law."

SECTION 9. Section 431:14-104, Hawaii Revised Statutes, is amended to read as follows:

"**§431:14-104 Rate filings.** (a) Every insurer shall file in triplicate with the commissioner except as to specific inland marine risks which by general custom of the business are not written according to manual rate or rating plans every manual of classifications rules, and rates every rating plan and every other rating rule and every modification of any of the foregoing which it proposes to use Every filing shall state its proposed effective date and shall indicate the character and extent of the coverage contemplated The filing also shall include a report on investment income

(b) Each filing shall be accompanied by a $20 fee payable to the commissioner which fee shall be deposited in the commissioner s education and training fund

(c) At the same time as the filing of the rate, every insurer shall file all supplementary rating and supporting information to be used in support of or in conjunction with a rate The insurer may satisfy its obligation to file supplementary rating and supporting information by reference to material which has been approved by the commissioner The information furnished in support of a filing may include or consist of a reference to

(1) The prospective loss cost filing made by a rating organization or an advisory organization and approved by the commissioner,
(2) The experience or judgment of the insurer or information filed by the rating organization or advisory organization on behalf of the insurer as permitted by section 431 14-104 5,
(3) Its interpretation of any statistical data upon which it relies,
(4) The experience of other insurers, rating organizations, or advisory organizations, or
(5) Any other relevant factors

[(c)] (d) When a filing is not accompanied by the information upon which the insurer supports the filing and the commissioner does not have sufficient information to determine whether the filing meets the requirements of this article the commissioner shall require the insurer to furnish additional information and in the event the waiting period shall commence as of the date the information is furnished Until the requested information is provided, the filing shall not be deemed complete or filed nor available for use by the insurer If the requested information is not provided within a reasonable time period, the filing may be returned to the insurer as not filed and not available for use [The information furnished in support of a filing may include

(1) The experience or judgment of the insurer or rating organization making the filing
(2) Its interpretation of any statistical data it relies upon
(3) The experience of other insurers or rating organizations or
(4) Any other relevant factors

(d)] (e) A filing and any supporting information shall be open to public inspection upon filing with the commissioner

[(e)] (f) Specific inland marine rates on risks specially rated made by a rating organization shall be filed with the commissioner

[(f)] (g) An insurer may satisfy its obligation to make the filings by becoming a member of or a subscriber to a licensed rating organization which makes the filings, and by authorizing the commissioner to accept the filings on its behalf[provided that nothing] except for those lines of insurance for which the commissioner determines individual insurer rate filings shall be made Nothing contained in this article shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization

(h) After reviewing an insurer s filing, the commissioner may require that the insurer s rates be based upon the insurer s own loss and expense information

If the insurer's loss or allocated loss adjustment expense information is not actuarially credible, as determined by the commissioner, the insurer may use or supplement its experience with information filed with the commissioner by a rating organization or advisory organization. At the commissioner's request, each insurer utilizing the services of a rating organization or advisory organization must submit with its rate filing, a description of the rationale for that use, including the insurer's own information and method of utilizing of the rating or advisory organization's information.

[(g)] (i) The commissioner shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this article. The commissioner shall calculate the investment income and accuracy of loss reserves upon which filings are based, and the insurer shall provide the information necessary to make the calculation.

[(h)] (j) Subject to the exception specified in subsection [(i),] (k), each filing shall be on file for a waiting period of thirty days before the filing becomes effective. The period may be extended by the commissioner for an additional period not to exceed fifteen days if the commissioner gives written notice within the waiting period to the insurer, [or] rating organization, or advisory organization which made the filing that the commissioner needs the additional time for the consideration of the filing. Upon written application by the insurer, [or] rating organization,[1] or advisory organization, the commissioner may authorize a filing which the commissioner has reviewed to become effective before the expiration of the waiting period or any extension thereof. A filing shall be deemed to meet the requirements of this article unless disapproved by the commissioner within the waiting period or any extension thereof.

[(i)] (k) The following rates shall become effective when filed:

(1) Specific inland marine rates on risks specially rated by a rating organization; and

(2) Any special filing with respect to a surety or guaranty bond required by law or by court or executive order or by order or rule of a public body, not covered by a previous filing.

The rates shall be deemed to meet the requirements of this article until the time the commissioner reviews the filing and so long as the filing remains in effect.

[(j)] (l) The commissioner, by written order, may suspend or modify the requirement of filing as to any class of insurance, subdivision, or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. The orders shall be made known to the affected insurers and rating organizations. The commissioner may make examinations as the commissioner may deem advisable to ascertain whether any rates affected by the order meet the standards set forth in section [431:14-103(a)(7).] 431:14-103(a)(1).

[(k)] (m) The commissioner may approve a rate on any specific risk in excess of that set by an applicable rate filing, provided the insured files with the commissioner a written application stating the insured's reasons for consenting to the excess rate. Upon approval by the commissioner, the rate shall be deemed effective retroactive to the date of the insured's application.

[(l)] (n) No insurer shall make or issue a contract or policy except in accordance with filings which are in effect for the insurer as provided in this article or in accordance with subsections [(j) or (k).] (l) or (m). This subsection shall not apply to contracts or policies for inland marine risks as to which filings are not required."

SECTION 10. Section 431:14-106, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) If within the waiting period or any extension of the waiting period as provided in section [431 14-104(h)] 431 14-104(j) the commissioner finds that a filing does not meet the requirements of this article, the commissioner shall send to the insurer, [or] rating organization, or advisory organization which made the filing, written notice of disapproval of the filing specifying in what respects the filing fails to meet the requirements of this article and stating that the filing shall not become effective

(b) If within thirty days

(1) After a specific inland marine rate on a risk specially rated by a rating organization subject to section [431 14-104(i)] 431 14-104(k) has become effective, or

(2) After a special surety or guaranty filing subject to section [431 14-104(i)] 431 14-104(k) has become effective[,],

the commissioner finds that such filing does not meet the requirements of this article, the commissioner shall send to the insurer, [or] rating organization, or advisory organization, which made the filing written notice of disapproval of the filing specifying in what respects the filing fails to meet the requirements of this article and stating when, within a reasonable period thereafter, the filing shall be deemed no longer effective The disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in the notice "

SECTION 11 Section 431 14-107, Hawaii Revised Statutes, is amended by amending subsections (a), (b), and (c) to read as follows

"(a) A corporation, an unincorporated association, a partnership, or an individual, whether located within or outside this State, may make application to the commissioner for license as a rating organization for such classes of insurance or subdivision or class of risk, or a part or combination thereof, as are specified in its application and shall file the following with the application

(1) A copy of its constitution, charter, its articles of organization, agreement [or], association, or [its certificate of] incorporation, and a copy of its bylaws, plan of operation, and any other rules and regulations governing the conduct of its business,

(2) A list of its members and subscribers,

(3) The name and address of a resident of this State upon whom notices or orders of the commissioner or process affecting the rating organization may be served, [and]

(4) A statement of its qualifications as a rating organization[ ],

(5) A biography of the ownership and management of the organization, and

(6) Any other relevant information and documents that the commissioner may require

(b) If the commissioner finds that the applicant is competent, trustworthy, and otherwise qualified to act as a rating organization and that its constitution, articles of organization, agreement [or], association, or [certificate of] incorporation, and its bylaws, rules and regulations governing the conduct of its business conform to the requirements of law, the commissioner shall issue a license specifying the classes of insurance or subdivision or class of risk, or part or combination thereof, for which the applicant is authorized to act as a rating organization Every such application shall be granted or denied in whole or in part by the commissioner within sixty days of the date of its filing with the commissioner Licenses issued pursuant to this section shall remain in effect for three years unless sooner suspended or revoked by the commissioner The fee for the license shall be $37 50 Licenses issued pursuant to this section may be suspended or revoked by the commissioner after hearing upon notice, in the

event the rating organization ceases to meet the requirements of subsections (a) and (b).

(c) Every rating organization shall notify the commissioner promptly of every material change in the documents or information filed pursuant to [items (1) through (3) of] subsection (a)."

SECTION 12. Section 431:14-113, Hawaii Revised Statutes, is amended to read as follows:

"**§431:14-113 Examination.** (a) The commissioner [shall at least once in five years, make or cause to be made an examination of each rating organization licensed in this State as provided in section 431:14-107, and the commissioner] may, as often as the commissioner may deem it expedient, make or cause to be made an examination of each rating organization referred to in section 431:14-107, each[1] advisory organization referred to in section 431:14-111 and of each group, association or other organization referred to in section 431:14-112. The reasonable costs of any such examination shall be paid by the rating organization, advisory organization, or group, association, or other organization examined upon presentation to it of a detailed account of such costs. The officer, manager, agents, and employees of the rating organization, advisory organization, or group, association, or other organization may be examined at any time under oath and shall exhibit all books, records, accounts, documents, or agreements governing its method of operation. In lieu of any such examination, the commissioner may accept the report of an examination made by the insurance supervisory official of any state, pursuant to the laws of such state.

(b) [Reports on examination are not to be made public until the organization examined has had an opportunity to review the proposed report and to have a hearing thereon. Once filed with the commissioner, the report shall be available for public inspection and shall be admissible in evidence as a public record.] The commissioner shall furnish the organization examined a copy of the examination report not less than sixty days prior to the filing of the report for public inspection in the division. If the organization so requests in writing during the sixty-day period, the commissioner shall hold a hearing to consider the organization's objections to the report as proposed, and shall not file the report until after the hearing and until after any modifications in the report deemed necessary by the commissioner have been made. If the organization does not request a hearing on the report, the examination report shall be filed at the end of sixty days.

(c) Once filed, the report shall be available for public inspection and shall be admissible as a public record, except that the commissioner or the commissioner's examiners may at any time testify and offer other proper evidence as to information secured during the course of an examination, whether or not a written report of the examination has at that time been either made, served, or filed in the division."

SECTION 13. Section 431:14-117, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The commissioner [may], if the commissioner finds any person or organization has violated any provision of this article, may impose a penalty of not more than $500 for each violation, but if the commissioner finds the violation to be wilful the commissioner may impose a penalty of not more than $5,000 for each such violation. The penalties may be in addition to any other penalty provided by law. For purposes of this section, any insurer using a rate for which the insurer has failed to file the rate, supplementary rating information, underwriting rules or guides, or supporting information as required by this

article, shall have committed a separate violation for each day such failure to file continues."

SECTION 14 Statutory material to be repealed is bracketed New statutory material is underscored [2]

SECTION 15 This Act shall take effect upon its approval

(Approved June 25 1990)

Notes

1 So in original
2 Edited pursuant to HRS §23G-16 5

ACT 256 S B NO. 2875

A Bill for an Act Relating to Pre-sentence Diagnosis

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 706-602, Hawaii Revised Statutes, is amended to read as follows

"**§706-602 Pre-sentence diagnosis, notice to victims, and report.** (1) The pre-sentence diagnosis and report shall be made by personnel assigned to the court, intake service center or other agency designated by the court and shall include [an]

(a) An analysis of the circumstances attending the commission of the crime[, the],
(b) The defendant's history of delinquency or criminality, physical and mental condition, family situation and background, economic status and capacity to make restitution or to make reparation to the victim or victims of his crimes for loss or damage caused thereby, education, occupation, and personal habits[, and any],
(c) Information made available by the victim or other source concerning the effect that the crime committed by the defendant has had upon said victim, including but not limited to, any physical or psychological harm or financial loss suffered, and
(d) Any other matters that the reporting person or agency deems relevant or the court directs to be included

(2) The court personnel, service center, or agency shall give notice of the Criminal Injuries Compensation Act, the application for compensation procedure, and the possibility of restitution by the defendant to all victims of the convicted defendant's criminal acts"

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved June 25 1990)

ACT 257 S.B. NO. 2881

A Bill for an Act Relating to Criminal History Record Checks for School Personnel.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $63,000 or 0.0025 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 2. Chapter 846, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

"**§846- Employees of the department of education; criminal history checks.** (a) The department of education and respective private schools, may develop procedures for obtaining verifiable information regarding the criminal history of persons who are employed or are seeking employment in public or private schools in positions which place them in close proximity to children. These procedures shall include, but not be limited to, criminal history record checks. For the purposes of this section, "criminal history record check" means an examination or search for evidence of an individual's criminal history by means of:

(1) A search for the individual's fingerprints in the national criminal history record files and, if found, an analysis and any other information available pertaining thereto; and

(2) A criminal history record check conducted by the Hawaii criminal justice data center;

provided that the Hawaii criminal justice data center may charge a reasonable fee for criminal history record checks performed for private schools.

(b) Except as otherwise specified, any person who is employed or seeks employment with a public or private school in a position which necessitates close proximity to children may be required to provide to the employer or prospective employer:

(1) A sworn statement indicating whether or not the person has ever been convicted of a crime (other than a traffic violation involving a fine of $50 or less), and the details thereof;

(2) Written consent for the employer to conduct a criminal history record check as provided in subsection (a) and to obtain other information for verification; and

(3) Permission to be fingerprinted.

Information obtained pursuant to subsection (a) and this subsection shall be used exclusively by the employer or prospective employer for the purpose of determining whether or not a person is suitable for working in close proximity to children. All such decisions shall be subject to federal laws and regulations currently or hereafter in effect.

(c) The employer or prospective employer may refuse to employ or may terminate the employment of any employee or applicant if the person has been

convicted of a crime, other than a minor traffic offense involving a fine of $50 or less, and if the employer or prospective employer finds by reason of the nature and circumstances of the crime that the person poses a risk to the health, safety, or well-being of children

(d) This section shall not be used by the department of education to secure criminal history record checks on persons who have been employed continuously by the department on a salaried basis prior to July 1, 1990."

SECTION 3. Section 378-3, Hawaii Revised Statutes, is amended to read as follows

"**§378-3 Exceptions.** Nothing in this part shall be deemed to.

(1) Repeal or affect any law or ordinance or government rule [or regulation] having the force and effect of law,

(2) Prohibit or prevent the establishment and maintenance of bona fide occupational qualifications reasonably necessary to the normal operation of a particular business or enterprise, and which have a substantial relationship to the functions and responsibilities of the prospective or continued employment,

(3) Prohibit or prevent an employer, employment agency, or a labor organization from refusing to hire or refer or from discharging any individual for reasons relating to the ability of the individual to perform the work in question,

(4) Affect the operation of the terms or conditions of any bona fide retirement, pension, employee benefit, or insurance plan, which is not intended to evade the purpose of this chapter, provided that [this]

(A) This exception shall not be construed to permit any employee plan to set a maximum age requirement for hiring or a mandatory retirement age, [provided further that any] and

(B) Any existing bona fide retirement, pension, employee benefit, or insurance plan or existing bargaining agreement shall be exempt from [the provisions of] this paragraph for two years after April 30, 1984, or until the termination of the plan or agreement, whichever occurs first,

(5) Prohibit or prevent any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised, or controlled by or in connection with a religious organization, from giving preference to individuals of the same religion or denomination or from making such selection as is calculated by the organization to promote the religious principles for which it is established or maintained,

(6) Conflict with or affect the application of security regulations in employment established by the United States or the State; [or]

(7) Require the employer to execute unreasonable structural changes or expensive equipment alterations to accommodate the employment of a handicapped person[ ], or

(8) Prohibit or prevent the department of education or private schools from considering criminal convictions in determining whether a prospective employee is suited to working in close proximity to children."

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of $25,000 or so much thereof as may be necessary for

fiscal year 1990-1991, to conduct criminal history checks required by this Act. The sum appropriated shall be expended by the department of the attorney general.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of $38,000 or so much thereof as may be necessary for fiscal year 1990-1991, to the department of education to cover the costs of fees assessed for criminal history record checks conducted pursuant to this Act. The sum appropriated shall be expended by the department of education.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.[1]

SECTION 7. This Act shall take effect on July 1, 1990, and shall be implemented to the extent resources are available. Section 2 of this Act shall take effect only upon the appropriation of funds sufficient to pay for: (1) at least one new full-time clerk-typist position for the department of the attorney general; and (2) all fees assessed to the department of education for criminal history record checks.

(Approved June 25, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5

ACT 258 S.B. NO. 2943

A Bill for an Act Relating to Board of Education Districts.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Purpose. The purpose of this bill is to conform the board of education districts to the latest reapportionment districts.

SECTION 2. Section 13-1, Hawaii Revised Statutes, is amended to read as follows:

"**§13-1 Board members; number.** (a) The board of education shall consist of thirteen members who shall be elected by the registered voters of two at-large school board districts as follows:

First school board district: the island of Oahu, comprised of the [seventh through the twenty-sixth] 11th through the 48th and a portion of the 49th (that portion found on the island of Oahu) representative districts, and the

Second school board district: the islands of Hawaii, Maui, Lanai, Molokai, Kahoolawe, Kauai, and Niihau, comprised of the [first through the sixth and the twenty-seventh] 1st through the 10th, a portion of the 49th (that portion found on the island of Kauai), and the 50th and 51st representative districts.

(b) Ten members shall be elected at-large from the first school board district. Of the ten members elected at-large from that district, one shall be a resident of the third departmental school district (Honolulu), one shall be a resident of the fourth departmental school district (Central Oahu), one shall be a

resident of the fifth departmental school district (Leeward Oahu), and one shall be a resident of the sixth departmental school district (Windward Oahu).

(c) Three members shall be elected at-large from the second school board district. Of the three members elected at-large from that district, one shall be a resident of the first departmental school district (Hawaii), one shall be a resident of the second departmental school district (Maui), and one shall be a resident of the seventh departmental school district (Kauai).

(d) The departmental school districts shall be as follows:

First departmental school district (Hawaii): the island of Hawaii [comprising the first, second, third, and fourth] comprised of the 1st through the 5th and a portion of the 6th (that portion found on the island of Hawaii) representative districts;

Second departmental school district (Maui): the islands of Maui, Molokai (including the county of Kalawao), Lanai, and Kahoolawe [comprising the fifth and sixth] comprised of a portion of the 6th (that portion found on the island of Maui) and the 7th through the 10th representative districts;

Third departmental school district (Honolulu): that portion of the island of Oahu [comprising the seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, and eighteenth] comprised of the 21st through the 41st representative districts;

Fourth departmental school district (Central Oahu): that portion of the island of Oahu [comprising the twentieth and twenty-second] comprised of the 11th through the 14th and the 45th representative districts;

Fifth departmental school district (Leeward Oahu): that portion of the island of Oahu [comprising the nineteenth and twenty-first] comprised of the 42nd through the 44th, the 46th through the 48th and a portion of the 49th (that portion found on the island of Oahu) representative districts;

Sixth departmental school district (Windward Oahu): that portion of the island of Oahu [comprising the twenty-third, twenty-fourth, twenty-fifth, and twenty-sixth] comprised of the 15th through the 20th representative districts; and

Seventh departmental school district (Kauai): the islands of Kauai and Niihau [comprising the twenty-seventh representative district.] comprised of a portion of the 49th (that portion found on the island of Kauai) and the 50th and the 51st representative districts."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

ACT 259 S.B. NO. 3013

A Bill for an Act Relating to Agricultural Loans.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 155-3, Hawaii Revised Statutes, is amended to read as follows:

"**§155-3 Restriction.** Loans provided for by this chapter shall be authorized only if such loans cannot be made by the Farmers Home Administration [or the Production Credit Association of Hawaii or the Federal Land Bank Association of Hawaii or the Sacramento Bank for Cooperatives]; the applicable farm credit system bank; and by two other private lenders[.]; provided that the board of agriculture may waive this requirement for emergency loans."

SECTION 2. Section 155-8, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Loans made under this section shall bear simple interest on the unpaid principal balance, charged on the actual amount disbursed to the borrower. The interest rate on [class "A" and class "B" loans shall be the rate charged for similar type loans by the Federal Land Bank Association of Hawaii; the interest rate on class "C" loans shall be the interest rate charged for similar type loans by the Hawaii Production Credit Association; the interest rate charged on class "E" loans shall be two per cent less than the rate charged for similar type loans by the Sacramento Bank for Cooperatives; and the] loans of classes "A", "B", "C", and "E" shall be at a rate of one per cent below the prime rate or at a rate of seven and one-half per cent a year, whichever is less. For purposes of this subsection, the prime rate shall be determined on January 1 and July 1 of each year, and shall be the prime rate charged by the two largest banks in the State identified by the department of commerce and consumer affairs. If the prime rates of the two largest banks are different, the lower prime rate of the two shall apply. The interest rate on class "F" loans shall be six per cent a year[; provided if]. If the money loaned is borrowed by the department, then the interest on loans of such classes shall be the rate [charged by the appropriate farm credit bank for similar type loans] as determined above or one per cent over the cost to the State of borrowing the money, whichever is greater. Interest on class "D" loans shall not be less than three per cent a year."

SECTION 3. Section 155-10, Hawaii Revised Statutes, is amended to read as follows:

"**§155-10 General eligibility requirements for loans.** To be eligible for loans under this chapter, an applicant shall be:

(1) A qualified farmer, or a person under the new farmer program;
(2) A citizen of the United States who has resided in the State for at least three years, or any alien who has resided in the State for at least five years; provided that this requirement shall not apply to applicants for class "D" loans who otherwise qualify. In the case of partnerships and corporations, the residence requirement must be met by seventy-five per cent of the members or stockholders [who are qualified farmers];
(3) A sound credit risk with the ability to repay the money borrowed; and
(4) Willing to carry out recommended farm management practices."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

ACT 260

S B NO 3019

A Bill for an Act Relating to the Department of the Attorney General

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 12, Act 211, Session Laws of Hawaii 1989, is amended to read as follows

"SECTION 12 Effective July 1, 1990, section 28-11 5, Hawaii Revised Statutes, is [repealed] amended to read as follows

"§28-11.5 [State law enforcement] Executive security officers; appointment and powers. [Employees of the department of the attorney general engaged as state law enforcement officers, upon specific authorization and direction of the attorney general,] The attorney general shall appoint and commission one or more executive security officers, as the exigencies of public service require, to provide security for the governor and other public officials of this State Persons appointed and commissioned under this section shall have and may exercise all of the powers and authority of police officers[, including the power of arrest], provided that [such] these powers shall remain in force and effect only while the [state law enforcement] executive security officers are engaged in the actual performance of their duties as [state law enforcement] executive security officers, which duties shall include off-duty employment when [such] the employment is for other state departments or agencies " "

SECTION 2 Section 28-10 7, Hawaii Revised Statutes, is repealed

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 4 This Act shall take effect upon its approval

(Approved June 25 1990)

Note

1 Edited pursuant to HRS §23G 16 5

ACT 261

S B NO 3028

A Bill for an Act Relating to Land Use Boundary Changes

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 205-4, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows

"(g) Within a period of not more than one hundred twenty days after the close of the hearing, unless otherwise ordered by a court, the commission shall, by filing findings of fact and conclusions of law, act to approve the petition, deny the petition, or to modify the petition by imposing conditions necessary to uphold the intent and spirit of this chapter or the policies and criteria established pursuant to section 205-17 or to assure substantial compliance with representations made by the petitioner in seeking a boundary change The commission may provide by condition that absent substantial commencement of use of the land in

accordance with such representations, the commission shall issue and serve upon the party bound by the condition an order to show cause why the property should not revert to its former land use classification or be changed to a more appropriate classification. Such conditions, if any, shall run with the land and be recorded in the bureau of conveyances."

SECTION 2. Section 205-17, Hawaii Revised Statutes, is amended to read as follows:

"**§205-17 Land use commission decision-making criteria.** In its review of any petition for reclassification of district boundaries pursuant to this chapter, the commission shall specifically consider the following:

(1) The extent to which the proposed reclassification conforms to the applicable goals, objectives, and policies of the Hawaii state plan and relates to the applicable priority guidelines of the Hawaii state plan and the adopted functional plans;
(2) The extent to which the proposed reclassification conforms to the applicable district standards; and
(3) The impact of the proposed reclassification on the following areas of state concern:
    (A) Preservation or maintenance of important natural systems or habitats;
    (B) Maintenance of valued cultural, historical, or natural resources;
    (C) Maintenance of other natural resources relevant to Hawaii's economy, including, but not limited to, agricultural resources;
    (D) Commitment of state funds and resources;
    (E) Provision for employment opportunities and economic development; and
    (F) Provision for housing opportunities for all income groups, particularly the low, low-moderate, and gap groups[.]; and
(4) The representations and commitments made by the petitioner in securing a boundary change."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 25, 1990)

ACT 262 S.B. NO. 3038

A Bill for an Act Relating to Employment Practices.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, all financial institutions in which deposits are insured by federal agencies having jurisdiction over the financial institutions are prohibited from allowing persons convicted of a criminal offense involving dishonesty or a breach of trust to participate in the affairs of the insured financial institution without the consent of the federal agency having jurisdiction over the

financial institution The penalties for violations of this prohibition were increased to a maximum of five years' imprisonment and $1,000,000 a day

However under the state employment practices law, it is an unlawful discriminatory practice for an employer to refuse to hire a person on the basis of "arrest and court record ' which includes a conviction While the law provides protection for employers by permitting the employer to establish "bona fide occupational qualifications substantially related to the employment in question the potential for conflict exists The purpose of this Act is to amend the employment practices law to allow financial institutions in which deposits are insured by federal agencies having jurisdiction over the financial institution to deny employment to or discharge from employment persons convicted of a criminal offense involving dishonesty or a breach of trust, unless it has the prior written consent of the financial[1] agency having jurisdiction over the financial institution to hire or retain the person

SECTION 2 Section 378-3, Hawaii Revised Statutes, is amended to read as follows

"**§378-3 Exceptions.** Nothing in this part shall be deemed to

(1) Repeal or affect any law or ordinance or government rule or regulation having the force and effect of law,

(2) Prohibit or prevent the establishment and maintenance of bona fide occupational qualifications reasonably necessary to the normal operation of a particular business or enterprise, and which have a substantial relationship to the functions and responsibilities of the prospective or continued employment

(3) Prohibit or prevent an employer, employment agency, or a labor organization from refusing to hire or refer or from discharging any individual for reasons relating to the ability of the individual to perform the work in question,

(4) Affect the operation of the terms or conditions of any bona fide retirement, pension, employee benefit, or insurance plan, which is not intended to evade the purpose of this chapter, provided that this exception shall not be construed to permit any employee plan to set a maximum age requirement for hiring or a mandatory retirement age, provided further that any existing bona fide retirement, pension, employee benefit, or insurance plan or existing bargaining agreement shall be exempt from [the provisions of] this paragraph for two years after April 30, 1984, or until the termination of the plan or agreement, whichever occurs first,

(5) Prohibit or prevent any religious or denominational institution or organization or any organization operated for charitable or educational purposes which is operated supervised, or controlled by or in connection with a religious organization, from giving preference to individuals of the same religion or denomination or from making such selection as is calculated by the organization to promote the religious principles for which it is established or maintained

(6) Conflict with or affect the application of security regulations in employment established by the United States or the State [or]

(7) Require the employer to execute unreasonable structural changes or expensive equipment alterations to accommodate the employment of a handicapped person[ ], or

(8) Prohibit or prevent any financial institution in which deposits are insured by a federal agency having jurisdiction over the financial

institution from denying employment to or discharging from employment any person who has been convicted of any criminal offense involving dishonesty or a breach of trust, unless it has the prior written consent of the federal agency having jurisdiction over the financial institution to hire or retain the person."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Note

1. So in original.

ACT 263 S.B. NO. 3079

A Bill for an Act Relating to Public Assistance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990[1] to be exceeded by $2,065,166 or 0.081 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 2. Section 346-59, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Rates of payment to providers of medical care who are individual practitioners, including doctors of medicine, dentists, podiatrists, psychologists, osteopaths, optometrists, and other individuals providing services, shall be based upon the most current profile available of [usual and] customary fees and the percentage of the profile in proportion to the funds appropriated by the legislature. The amounts paid shall not exceed the maximum permitted to be paid individual practitioners or other individuals under federal law and regulation and shall not exceed the reasonable charge under the medicare program, based on the same profile base year selected by the legislature for the medicaid profiles, the state limits as provided in the appropriation act, and the provider's billed amount.

The appropriation act shall indicate the percentage used as the basis for the appropriation of each fiscal year. If that percentage has been adjusted by the legislature, the legislature shall specify the extent of the adjustment in the appropriation act.

This section notwithstanding[;], providers shall not be reimbursed an amount less than their existing payment rates unless a reduction is specifically intended and required by law."

SECTION 3. Section 346-59, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) The department shall prepare each biennial budget request for a medical care appropriation based upon the most current [usual and] customary fee profile available at the time the request is prepared

The director shall submit a report to the legislature on or before January 1 of each year indicating an estimate of the amount of money required to be appropriated to pay providers at the maximum rates permitted by federal and state rules in the upcoming fiscal year."

SECTION 4 There is appropriated out of the general revenues of the State of Hawaii the sum of $2,065,166, or so much thereof as may be necessary for fiscal year 1990-1991,[1] to carry out the purposes of this Act

SECTION 5 The sum appropriated shall be expended by the department of human services for the purposes of this Act

SECTION 6 This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date

SECTION 7 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 8 This Act shall take effect on July 1, 1990

(Approved June 25 1990)

Note

1 So in original

ACT 264 S B NO 3094

A Bill for an Act Relating to the Housing Finance and Development Corporation

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 201E-2, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows

"<u>"Cash equity" means the actual amount of payments of principal which the owner has made for the purpose of purchasing or improving a dwelling unit, including the cash down payment made, payments of principal on mortgage loans incurred to purchase the dwelling unit, and payments of principal for improvements which add value to the dwelling unit The term "cash equity" does not include interest or the appreciated value of the dwelling unit caused by market fluctuation</u>"

SECTION 2 Section 201E-2, Hawaii Revised Statutes, is amended by amending the definition of "qualified resident" to read as follows

"'Qualified resident' means a person who

(1) Is a citizen of the United States or a resident alien,
(2) Is at least eighteen years of age
(3) Is [a bona fide resident of] <u>domiciled in</u> the State and has a bona fide intent to reside in the dwelling unit purchased or rented under this chapter,

(4) In the case of purchase of a dwelling unit in fee simple or leasehold, has a gross income sufficient to qualify for the loan to finance the purchase; and

(5) Is not found by the corporation to be within one of the following classes:

(A) A person who oneself or whose husband or wife or both [(when husband and wife are living together)] (unless husband and wife are living apart under a decree of separation from bed and board issued by the family court pursuant to section 580-71) owns or own in fee simple or leasehold any lands suitable for dwelling purposes; or

(B) A person who oneself or whose husband or wife [(when husband and wife are living together)] (unless husband and wife are living apart under a decree of separation from bed and board issued by the family court pursuant to section 580-71) has pending another unrefused application to purchase a dwelling unit under this chapter from the corporation[.];

provided that for purchasers of market-priced units in an economically integrated housing project, the term "qualified resident" means a person who is a citizen of the United States or a resident alien; is domiciled in the State; is at least eighteen years of age; and meets other qualifications as determined by the developer."

SECTION 3. Section 201E-220, Hawaii Revised Statutes, is amended to read as follows:

"**[|§201E-220|] Sale, mortgages, agreement of sale, other instruments.** (a) The corporation shall sell completed dwelling units or dwelling units which are substantially completed and habitable, developed and constructed hereunder, to qualified residents in fee simple, or shall cause them to be leased or rented to qualified residents, at a price or rental based on costs as determined by the corporation; provided that the corporation may retain such units as necessary in a project for lease or rental to nonprofit community organizations for community activity or facility purposes. The gross share to the other partners or contract payments and any amounts subsidized by the State, including but not limited to the land, need not be counted as cost so as to increase the price. Such may be borne by the State, under rules subject to reimbursement upon sale as provided for in section 201E-221.

(b) If a qualified purchaser is unable to obtain sufficient funds at reasonable rates from private lenders, the corporation, by way of mortgage, agreement of sale, or other instrument to secure the indebtedness, may loan to the purchaser up to one hundred per cent of the purchase price. The purchaser in such event shall execute with the corporation an agreement of sale or mortgage or other instrument under the terms of which the unpaid principal and the interest thereon shall be paid in monthly installments over a period of not more than forty years.

(c) Every mortgage, agreement of sale, other instrument to secure the indebtedness, or instrument of indebtedness executed by the corporation may contain such other provisions as are usually found in such instruments and shall provide that the purchaser may repay the whole or any part of the unpaid balance of the purchase price plus accrued interest at any time without prepayment penalty.

(d) If the purchaser defaults on the payment of any loan, the corporation shall take all necessary action to collect the delinquent principal and interest on

the loan and may take all actions allowed to holders of obligations, including the power to repossess, lease, rent, repair, renovate, modernize, and sell the property foreclosed, subject to the restrictions hereinafter described

(e) The mortgages, agreements of sale, and other instruments of indebtedness may, at the direction of the corporation, be assigned to and serviced by commercial banks and other lending institutions doing business in the State at a fee of not more than one-half of one per cent of the amount loaned to the purchaser

(f) Subsections (a), (b), (c), (d), and (e) need not apply to market-priced units in an economically integrated housing project, except as otherwise determined by the developer of the units; provided that preference shall be given to qualified residents in the sale of market-priced units."

SECTION 4 Section 201E-221, Hawaii Revised Statutes, is amended to read as follows

"§201E-221 Dwelling units; restrictions on transfer, waiver [or] of restrictions. (a) [Except for dwelling units which are financed under a federally subsidized mortgage program, the] The following restrictions shall apply to the transfer of dwelling units purchased from the corporation, whether on fee simple or leasehold property

(1) For a period of ten years after the purchase, whether by lease, assignment of lease, deed, or agreement of sale, if the purchaser wishes to transfer title to the dwelling unit and the property or the lease, the corporation shall have the first option to purchase the unit and property or lease at a price which shall not exceed the sum of.
   (A) The original cost to the purchaser[,], as defined in rules adopted by the corporation,
   (B) The cost of any improvements added by the purchaser[, and], as defined in rules adopted by the corporation, and
   (C) Simple interest on the purchaser's cash equity [in the property] at the rate of seven per cent a year

   The corporation may purchase the unit either outright, free and clear of all liens and encumbrances, or by transfer subject to an existing mortgage

   If by outright purchase, the corporation shall [insure] ensure that all existing mortgages, liens, and encumbrances are [satisfactorily] fully paid [by the purchaser]

   In any purchase by transfer subject to an existing mortgage, the corporation shall agree to assume and to pay the [balance] seller's obligation on any first mortgage created for the purpose of enabling the purchaser to obtain funds for the purchase of the unit and any other mortgages which were created with the approval and consent of the corporation. In such cases, the amount to be paid to the [purchaser] seller by the corporation shall be the difference between the above-mentioned price and the principal balance of all mortgages outstanding and assumed at the time of transfer of title to the corporation

(2) After the end of the tenth year from the date of purchase, or execution of an agreement of sale, the purchaser may sell the unit and sell or assign the property to any [person] qualified resident free from any price restrictions, provided that the purchaser shall be required to pay to the corporation the sum of

(A) The balance of any mortgage note, agreement of sale, or other amount owing to the corporation;

(B) Any subsidy or deferred sales price made by the corporation in the acquisition, development, construction, and sale of the unit, and any other amount expended by the corporation not counted as cost under section 201E-220 but charged to the dwelling unit by good accounting practice as determined by the corporation whose books shall be prima facie evidence of the correctness of the costs; and

(C) Interest on the subsidy or deferred sales price, if applicable, and any other amount expended at the rate of seven per cent a year computed as to the subsidy[,] or deferred sales price, if applicable, from the date of purchase, or execution of the agreement of sale, and as to any amount expended, from the date of expenditure; provided that the computed interest shall not extend beyond thirty years from the date of purchase, or execution of the agreement of sale, of the unit; and provided that if any proposed sale or transfer will not generate an amount sufficient to pay the corporation the sum as computed under this paragraph, the corporation shall have the first option to purchase the dwelling unit at a price which shall not exceed the sum as computed under paragraph (1).

(3) Notwithstanding any provision above to the contrary, pursuant to rules adopted by the corporation, the subsidy or deferred sales price described in subsection (a)(2)(B) and any interest accrued pursuant to subsection (a)(2)(C) may be paid, in part or in full, at any time.

(b) The corporation may waive the restrictions prescribed in subsection (a) [may be waived] if:

(1) The purchaser wishes to transfer title to the dwelling unit and the property or lease by devise or through the laws of descent to a family member who would otherwise qualify under rules established by the corporation; or

(2) The dwelling unit is financed under a federally subsidized mortgage program and the restrictions would jeopardize the federal government's ability to recapture any interest credit subsidies provided to the homeowner; or

[(2)] (3) The corporation determines, in accordance with [adopted rules,] rules adopted by the corporation, that the sale or transfer of a dwelling unit would be at a price and upon terms that [preserves] preserve the intent of this section without the necessity of the State [to repurchase] repurchasing the unit[.]; provided that, in this case, the purchaser shall sell the unit and sell or assign the property to a person who is a "qualified resident" as defined in section 201E-2.

(c) The restrictions prescribed in subsection (a) shall be automatically extinguished and shall not attach in subsequent transfers of title when a mortgage holder or other party becomes the owner of the dwelling unit and the land or leasehold interest pursuant to a mortgage foreclosure, foreclosure under power of sale, or a conveyance in lieu of foreclosure after a foreclosure action is commenced. Any law to the contrary notwithstanding, a mortgagee under a mortgage covering a dwelling unit and land or leasehold interest encumbered by the first option to purchase in favor of the corporation, prior to commencing mortgage foreclosure proceedings, shall notify the corporation of (1) any default of the mortgagor under the mortgage within ninety days after the occurrence of the default, and (2) any intention of the mortgagee to foreclose the mortgage

under chapter 667 The corporation shall be a party to any foreclosure action, and shall be entitled to all proceeds remaining in excess of all customary and actual costs and expenses of transfer pursuant to default, including liens and encumbrances of record, provided that the person in default shall be entitled to an amount which shall not exceed the sum of amounts determined pursuant to subsections (a)(1)(B) and (C) [and the purchaser's equity in the property]

(d) The provisions of this section shall be incorporated in any deed, lease, mortgage, agreement of sale, or any other instrument of conveyance issued by the corporation In any sale by the corporation of a dwelling unit for which a subsidy or deferred sales price was made by the corporation, the amount of the subsidy or deferred sales price described in subsection (a)(2)(B), a description of the cost items which constitute the subsidy[,] or deferred sales price, and the conditions of the subsidy or deferred sales price shall be clearly stated at the beginning of the contract document issued by the corporation

(e) Any subsequent sale or transfer of dwelling units and sale, lease, or assignment of the property by the corporation or purchaser pursuant to this chapter shall be made to qualified residents

(f) Subsections (a), (b), (c), (d), and (e) need not apply to market-priced units in an economically integrated housing project, except as otherwise determined by the developer of the units, provided that preference shall be given to qualified residents in the sale of market-priced units "

SECTION 5 Section 201E-222, Hawaii Revised Statutes, is amended to read as follows

"**§201E-222 Dwelling units; restrictions on use.** (a) A dwelling unit purchased [from the corporation] under this chapter shall be occupied by the purchaser at all times [during the ten-year restriction period set forth in section 201E-221]

(b) From time to time the corporation may submit a verification of owner-occupancy form to the purchaser. Failure to respond to the verification in a timely manner or violation of subsection (a) shall be sufficient reason for the corporation, at its option, to purchase the unit as provided in section 201E-221(a)(1) or (2), as applicable

(c) Any deed, lease, agreement of sale, mortgage, or other instrument of conveyance issued by the corporation shall expressly contain the restrictions on use prescribed in this section

(d) The restrictions prescribed in subsection (a) shall be automatically extinguished and shall not attach in subsequent transfers of title as prescribed in section 201E-221(b) [and (c)]

(e) Subsections (a), (b), and (c) need not apply to market-priced units in an economically integrated housing project, except as otherwise determined by the developer of the units, provided that preference shall be given to qualified residents in the sale of market-priced units "

SECTION 6 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 7 This Act shall take effect upon its approval

(Approved June 25, 1990)

ACT 265 S.B. NO. 3150

A Bill for an Act Relating to the Hawaii Housing Authority.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 356, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§356- Additional powers.** Notwithstanding any provision to the contrary, whenever the bids submitted for any development or rehabilitation project authorized pursuant to chapters 359, 359A, or this chapter exceed the amount of funds available for that project, the authority, with the approval of the governor, may disregard the bids and enter into an agreement to carry out the project, or undertake the project or participate in the project under the agreement, without regard to section 103-22; provided that the total cost of the agreement and the authority's participation, if any, shall not exceed the amount of funds available for the project; provided further that if the agreement is with a non-bidder, the scope of the project under agreement shall remain the same as that for which bids were originally requested."

SECTION 2. New statutory material is underscored.[1]

SECTION 3. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 266 S.B. NO. 3156

A Bill for an Act Relating to Public Employment.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 76-31, Hawaii Revised Statutes, is amended to read as follows:

"**§76-31 Provisional and short term appointments.** (a) Provisional appointment pending establishment of an eligible list. When there is no eligible available on a list or when there are fewer than five eligibles on a list and no selection was made from a list that was certified as appropriate for filling a vacancy in a continuing position and the public interest requires that the vacancy be filled before eligibles can be certified, the director [of personnel services] may authorize filling of the vacancy through provisional appointment. The director shall proceed without delay to announce an examination for the filling of the vacancy. The appointment shall continue only for such period as may be necessary to make an appointment from a list of eligibles but shall not extend beyond one hundred eighty days in any twelve-month period, provided that the director may extend the provisional appointment for an additional [six month] six-month period. The conditions under which the director may extend provisional appointments shall be prescribed by rules [and regulations].

(b) Temporary limited appointment When there is need for temporary employment, the director may authorize the department concerned to make or extend temporary appointments limited to a definite period of time, but not in excess of one year, except as otherwise specifically permitted by law or regulations If the temporary appointment is not made from among regular employees eligible for noncompetitive action, the director shall certify from an appropriate eligible list, [so long as the list is available], provided that when there are fewer than five eligibles on a list and no selection was made from a list that was certified as appropriate, the director may authorize the filling of the vacancy through a temporary appointment

(c) Emergency appointments In order to prevent the stoppage of essential public business, emergency appointments, not to exceed ten working days, may be made to fill positions temporarily in any serious emergency when it is not practicable to ascertain whether there is an eligible list The director for good and sufficient cause, and for reasons given in writing by the department concerned, may extend the appointment for a period not to exceed thirty calendar days

(d) Except as may be otherwise specified, provisional and temporary appointees must meet the minimum qualification requirements for the specific position to be filled "

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved June 25, 1990)

ACT 267 S B NO. 3162

A Bill for an Act Making an Appropriation for Repricing of Certain Professional and Scientific Classes

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The purpose of this Act is to fund specific repricing actions in the recommended compensation plans of all jurisdictions The specific actions are the repricing of all professional and scientific classes included in, and excluded from, BU 13 and at SR 12 through SR 21 in all jurisdictions as follows

FROM	TO
SR 12	SR 16
SR 15	SR 18
SR 17	SR 18
SR 18	SR 20
SR 19	SR 20
SR 21	SR 22

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that appropriations contained in this Act will cause the State general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $5,424,123, or 0 21 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are

necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 3. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity will not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. There is appropriated or authorized out of the sources of funding indicated below the following sums, or so much thereof as may be necessary for fiscal year 1990-1991, to fund the adjustments in the state executive branch pursuant to section 1 of this Act:

Source of Funds	
General Funds	$3,635,114
Special Funds	$ 379,014
Federal Funds	$1,202,965
Other Funds	$ 28,895

The sums appropriated or authorized by this section shall be expended by the director of finance for the purposes of this Act.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii, the sum of $544,390, or so much thereof as may be necessary for fiscal year 1990-1991, to fund state judicial branch adjustments to be made pursuant to section 1 of this Act. The sums appropriated by this section shall be expended by the chief justice for the purposes of this Act.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the following sums, or so much thereof as may be necessary for fiscal year 1990-1991, to fund county adjustments to be made pursuant to section 1 of this Act:

City and County of Honolulu	$886,291
County of Hawaii	$151,284
County of Maui	$112,044
County of Kauai	$ 95,000

The sums appropriated by this section shall be expended by the respective county finance directors for the purposes of this Act.

SECTION 7. The intent of this Act is not to create a new program or increase the level of service under an existing program. The funds provided for fiscal year 1990-1991 to the counties are of a one-time nature to assist them in the smooth implementation of the provisions of this Act. Thereafter, costs shall be borne by each jurisdiction independently.

SECTION 8. This Act shall take effect on July 1, 1990.

(Approved June 25, 1990.)

ACT 268

S B NO. 3165

A Bill for an Act Making an Appropriation for Repricing Civil Service Motor Carrier Safety Officer, Highways Special Services Supervisor, Highway Lighting Worker, and Highway Lighting Supervisor Classes in the State Executive Branch

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The purpose of this Act is to fund specific repricing actions in the recommended compensation plan of the executive branch of the State of Hawaii The specific actions to be funded are as follows

	FROM	TO
Motor Carrier Safety Officer I	SR 13	SR 14
Motor Carrier Safety Officer II	SR 15	SR 16
Motor Carrier Safety Officer III	SR 17	SR 18
Motor Carrier Safety Officer IV	SR 19	SR 20
Motor Carrier Safety Officer V	SR 21	SR 22
Motor Carrier Safety Officer VI	SR 23	SR 24
Highways Special Services Supervisor	FI 09	FII 10
Highway Lighting Worker I	WB 11	WB 12
Highway Lighting Worker II	WF 11	WF 12
Highway Lighting Supervisor I	FI 11	FI 12
Highway Lighting Supervisor II	FII 11	FII 12

SECTION 2 If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity will not affect other provisions or applications of the Act which can be effected without the invalid provision or application, and to this end the provisions of this Act are severable

SECTION 3 There is appropriated out of the highway special fund the sum of $46,854, or so much thereof as may be necessary for fiscal year 1990-1991, to fund the adjustments in the state executive branch pursuant to section 1 of this Act

The sum appropriated shall be expended by the director of finance for the purposes of this Act

SECTION 4 This Act shall take effect on July 1, 1990

(Approved June 25 1990)

ACT 269

S B NO. 3168

A Bill for an Act Relating to the Disposition of Abandoned Vessels.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 267A-5, Hawaii Revised Statutes, is amended to read as follows

"[[]§267A-5[]] **When public auction not required.** Public auction shall not be required when the appraised value of any vessel as determined by an independent appraiser who has had at least one year of experience in the sale or purchase of vessels, is less than [$100.] $250. Upon that determination and after public advertisement has been made once in a newspaper of general circulation, the director of transportation may sell the vessel by negotiation, dispose of it as junk, or donate the vessel to any governmental agency."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

ACT 270 S.B. NO. 3176

A Bill for an Act Relating to Child Care.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $500,000, or 0.020 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 2. The legislature finds that child care has become one of the most important issues facing the nation today. With the increasing number of families in which both parents work as well as the increasing number of single parent families, the demand for quality child care of all types far outweighs the number of safe, quality space for our children.

It must be emphasized that child care does not mean preschool care. It encompasses infant care, before and after school care, and care for sick children. There are many different types of child care. No one type is best for every child. Also, there is the "trilemma" of availability (quality versus compensation versus affordability). In order to obtain quality care, decent wages must be paid to child care workers. There is no simple solution to the child care shortage.

Child care is everyone's problem. Parents, of course, seek the security of knowing that their children are safe and well cared for. Employers know that employees who are not satisfied with their child care situation may need to miss work to find new care and may be inattentive on the job out of concern for their children. The business community is also concerned. Failure of access to child care may result in parents staying home, withdrawing from the job market.

The problem of providing adequate child care for all who need it is too large and too complex to be solved by individuals and businesses acting alone. Accordingly, the State must be willing and able to take an active role in grappling with one of the more critical problems of this generation.

The purpose of this Act is to increase the number of child care providers by:

(1) Developing a demonstration project to train individuals to become home child care providers who are able to establish and operate their own child care facility,
(2) Providing grants to convert and renovate existing facilities, and
(3) Establishing a child care resource lending center

PART I

SECTION 3 There is established a demonstration project to train individuals to become home child care providers who are able to establish and operate their own home-based child care facilities As an economic development program, the project's focus is to foster individual self-sufficiency through an entrepreneurial approach by the creation of new jobs and opening of new small home-based child care businesses The demonstration project shall involve coordination among state and county governments and the private sector, including but not limited to the community college system, the department of labor and industrial relations, the department of human services, the department of health, the department of education, large and small private businesses, nonprofit programs, unions, and child care providers in the State

SECTION 4 The office of children and youth shall submit
(1) A progress report on the demonstration project to the legislature not less than twenty days prior to the convening of the regular session of 1991, and
(2) A final evaluation report on the demonstration project, including findings and recommendations, to the legislature not less than twenty days prior to the convening of the regular session of 1992.

SECTION 5 There is appropriated out of the general revenues of the State of Hawaii the sum of $250,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the implementation and staffing of a one-year demonstration project for the training of home care providers for children

The sum appropriated shall be expended by the office of children and youth for the purposes of this Act

PART II

SECTION 6 The department of labor and industrial relations shall provide grants to family child care providers and center-based programs to convert and renovate existing facilities so additional family child care homes and child care centers can be located in such facilities

SECTION 7 (a) Applications for grants shall be made to the department of labor and industrial relations and shall contain information as the department shall require by rules adopted pursuant to chapter 42. Every applicant shall provide assurance to the department of labor and industrial relations that.
(1) The facility to be renovated or improved shall be used as family child care home or child care center for a continuous period of at least five years,
(2) Any family child care home or child care center program located in a renovated or improved facility shall be licensed by the department of human services,

(3) The program shall comply with applicable federal and state laws prohibiting discrimination against any person on the basis of race, color, national origin, religion, creed, or sex;
(4) The grant shall not be used for purposes of entertainment or perquisites;
(5) The applicant shall comply with any other requirement the department of labor and industrial relations may prescribe to ensure adherence to applicable federal, state, and county laws;
(6) All renovations and improvements undertaken with funds received under this Act shall comply with all applicable state and county statutes and ordinances including applicable building codes and structural requirements of the department of human services; and
(7) The applicant shall indemnify and save harmless the State of Hawaii and its officers, agents, and employees from and against any and all claims arising out of or resulting from the renovation and improvements made with funds provided by this Act, and, upon request of the department of labor and industrial relations, the applicant shall procure sufficient insurance to provide that indemnification.

(b) To receive a grant under this Act to convert an existing facility into a family child care home or child care center facility, the applicant shall:
(1) Be a nonprofit organization determined to be exempt from the federal income tax by the Internal Revenue Service;
(2) Be a nonprofit organization, have a governing board whose members have no material conflict of interest and serve without compensation, have bylaws or policies which describe the manner in which business is conducted, and have policies relating to nepotism and management of potential conflict of interest situations;
(3) Agree to make available to the department of human services and the department of labor and industrial relations all records it may have relating to the operation of any family child care home and child care center facility, and to allow the state agencies to monitor its compliance with the purpose of this Act;
(4) Agree that, if the facility is to be altered or improved, or is to be used by other groups, moneys appropriated by this Act shall be used for renovating or improving the facility only to the proportionate extent that the floor space will be used by the child care program; and
(5) Establish, to the satisfaction of the department of labor and industrial relations, that sufficient funds are available for the effective use of the facility for the purpose for which it is being renovated or improved.

SECTION 8. In selecting applicants for funding, the department of labor and industrial relations, shall make every effort to ensure that family child care home or child care center facilities are equitably distributed throughout the State according to demographic need.

In considering applications for grants to renovate or improve an existing facility used for the operations of a family child care home or child care center, the department of labor and industrial relations shall give preference to applications to renovate facilities most in need of repair to address safety and habitability concerns. No grant shall be disbursed unless an agreement is entered into between the applicant and the State, by and through the department of labor and industrial relations. The agreement shall include the assurances and

conditions required by this Act and any other terms which the department of labor and industrial relations may require

SECTION 9 The department of labor and industrial relations shall submit a progress report on the demonstration project established by this Act, including findings and recommendations, to the legislature no later than twenty days prior to the convening of the regular session of 1991

SECTION 10 There is appropriated out of the general revenues of the State of Hawaii the sum of $225,000, or so much thereof as may be necessary for fiscal year 1990-1991, by providing grants to renovate or improve existing homes or facilities used to deliver services for home child care and child care centers

The sum appropriated shall be expended by the department of labor and industrial relations for the purposes of this Act

PART III

SECTION 11 There is appropriated out of the general revenues of the State of Hawaii the sum of $25,000, or so much thereof as may be necessary for fiscal year 1990-91, for the establishment of a child care resource lending center to help family child care providers start up their businesses

The sum appropriated shall be expended by the office of children and youth for the purposes of this Act

SECTION 12 This Act shall take effect on July 1, 1990

(Approved June 25, 1990.)

ACT 271 S B NO 3209

A Bill for an Act Relating to the Regulation of Nurse Aides

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows

"CHAPTER
NURSE AIDES

§ -1 Findings and purpose. The legislature recognizes that 42 U S.C §1395i-3 and §1396R requires nurse aides working in nursing facilities participating in medicare and medicaid programs to be certified This chapter implements the provisions of 42 U.S.C §1395i-3 and §1396R with respect to establishing the State's regulatory scheme for certifying nurse aides

§ -2 Implementation. The director of commerce and consumer affairs shall implement the provisions of 42 U.S C §1395i-3 and §1396R as it relates only to establishing the minimum requirements necessary for certification as a nurse aide, examination requirements, maintenance requirements for continued certification, and implementation of a nurse aide registry.

§ **-3 Power of director.** The director, in accordance with the provisions of chapters 91 and 92, shall adopt such rules as may be necessary to implement the provisions of 42 U.S.C. §1395i-3 and §1396R, as well as the federal regulations adopted pursuant thereto as it relates only to establishing the minimum requirements necessary for certification as a nurse aide, examination requirements, maintenance requirements for continued certification, and implementation of a nurse aide registry.

§ **-4 Contract for administrative services.** The director may contract with a professional testing service that is qualified to test the competency of nurse aides. The department may require that fees for services be paid directly to the professional testing service.

§ **-5 Fees.** The director may establish fees for services rendered to carry out the purposes of this chapter."

SECTION 2. This Act shall take effect on October 1, 1990.

(Approved June 25, 1990.)

ACT 272 S.B. NO. 3237

A Bill for an Act Relating to Commercial Paper.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 490, Hawaii Revised Statutes, is amended by adding a new section to article 3 to be appropriately designated and to read as follows:

"§490:3- Instrument marked payment in full; accord and satisfaction; when. The negotiation of an instrument marked "paid in full", "payment in full", "full payment of claim", or similar language in and of itself shall not establish an accord and satisfaction that binds the payee or prevents the collection of any remaining amount owed on the underlying obligation."

SECTION 2. New statutory material is underscored.[1]

SECTION 3. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 273 S.B. NO. 3238

A Bill for an Act Relating to Radiologic Technology.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to implement the recommendations of the legislative auditor in the auditor's sunset evaluation report on the

regulation of radiologic technologists by the board of radiologic technology The legislature agrees with the auditor's findings that

(1) The regulation of radiologic technologists should be continued since there is significant potential for public harm from the practice of radiology, and that the statute is inconsistent and should be clarified,

(2) The licensing program should be handled directly by the department of health, and that the board should be changed to an advisory board, and

(3) Provisions for licensure by reciprocity for applicants licensed in states with standards comparable to those in Hawaii are needed to reduce barriers to the entry of qualified people into the profession in Hawaii in light of existing shortages.

SECTION 2 Section 26H-4, Hawaii Revised Statutes, is amended to read as follows.

"**§26H-4 Repeal dates.** (a) The following [chapter and] sections are hereby repealed effective December 31, 1990.

[(1) Chapter 466J (Board of Radiologic Technology)

(2)] (1) Sections 321-13 to 321-15 (midwives, laboratory directors, laboratory technologists, laboratory supervisors, laboratory technicians, tattoo artists, electrologists, and sanitarians)

(b) The following chapters are hereby repealed effective December 31, 1991

(1) Chapter 447 (Dental Hygienists)
(2) Chapter 453 (Board of Medical Examiners)
(3) Chapter 457 (Board of Nursing)
(4) Chapter 458 (Board of Dispensing Opticians)
(5) Chapter 460J (Pest Control Board)
(6) Chapter 462A (Pilotage)
(7) Chapter 438 (Board of Barbers)
(8) Chapter 468K (Travel Agencies)

(c) The following chapters are hereby repealed effective December 31, 1992

(1) Chapter 448H (Elevator Mechanics Licensing Board)
(2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
(3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
(4) Chapter 460 (Board of Osteopathic Examiners)
(5) Chapter 461 (Board of Pharmacy)
(6) Chapter 461J (Board of Physical Therapy)
(7) Chapter 463E (Podiatry)
(8) Chapter 467D (Social Workers)

(d) The following chapters are hereby repealed effective December 31, 1993

(1) Chapter 437 (Motor Vehicle Industry Licensing Board)
(2) Chapter 437B (Motor Vehicle Repair Industry Board)
(3) Chapter 440 (Boxing Commission)
(4) Chapter 446 (Debt Adjusters)
(5) Chapter 436E (Board of Acupuncture)

(e) The following sections are hereby repealed effective December 31, 1993:

(1) Sections 445-21 to 38 (Auctions)

(2) Sections 445-131 to 136 (Pawnbrokers)
(3) Sections 445-171 to 172 (Secondhand Dealers)
(4) Sections 445-231 to 235 (Scrap Dealers)

(f) The following chapters are hereby repealed effective December 31, 1994:

(1) Chapter 441 (Cemetery and Funeral Trusts)
(2) Chapter 443B (Collection Agencies)
(3) Chapter 452 (Board of Massage)
(4) Chapter 455 (Board of Examiners in Naturopathy)
(5) Chapter 459 (Board of Examiners in Optometry)
(6) Chapter 442 (Board of Chiropractic Examiners)
(7) Chapter 373 (Commercial Employment Agencies)
(8) Chapter 448 (Board of Dental Examiners)
(9) Chapter 465 (Board of Psychology)
(10) Chapter 468E (Speech Pathology and Audiology)

(g) The following chapters are hereby repealed effective December 31, 1995:

(1) Chapter 439 (Board of Cosmetology)
(2) Chapter 444 (Contractors License Board)
(3) Chapter 448E (Board of Electricians and Plumbers)
(4) Chapter 454 (Mortgage Brokers and Solicitors)
(5) Chapter 454D (Real Estate Collection Servicing Agents)
(6) Chapter 464 (Professional Engineers, Architects, Surveyors and Landscape Architects)
(7) Chapter 466 (Board of Public Accountancy)
(8) Chapter 467 (Real Estate Commission)

(h) The following chapter is hereby repealed effective December 31, 1996:

(1) Chapter 466J (Radiologic Technology)

[(h)] (i) The following chapters are hereby repealed effective December 31, 1997:

(1) Chapter 463 (Board of Private Detectives and Guards)
(2) Chapter 471 (Board of Veterinary Examiners)."

SECTION 3. Chapter 466J, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"**§466J- Powers and duties of the department.** The department shall:

(1) Through the director, adopt, amend, or repeal rules, pursuant to chapter 91, to effectuate the purposes of this chapter;
(2) Determine minimum standards for and approve those educational institutions providing a course of instruction in radiologic technology that meets the requirements of this chapter;
(3) Withdraw or deny approval of educational institutions for failure to meet prescribed standards;
(4) Examine and determine the qualifications of all applicants for licensure, and grant, deny, and revoke licenses under this chapter;
(5) Establish reciprocity agreements with other states that have standards similar to those in Hawaii to alleviate the shortage of licensed radiographers and radiation therapy technologists; and
(6) Consult with the board as deemed appropriate.

§466J- Transition; radiologic technologists and radiographers. By January 1, 1991, the board shall issue licenses to practice radiography to those persons who were licensed as radiologic technologists under this chapter prior to

the effective date of this Act A person licensed as a radiologic technologist under this chapter prior to the effective date of this Act, shall be permitted to practice radiography without a radiographer's license until December 31, 1990, provided that the person's license to practice as a radiologic technologist is not revoked or suspended by the department "

SECTION 4 Section 466J-1, Hawaii Revised Statutes, is amended to read as follows

"**§466J-1 Definitions.** As used in this chapter

["Approved school for radiologic technologist" and "approved training program for radiation therapy technologists" mean a school or training program determined and accredited by the board as providing a course of instruction in radiologic technology which is adequate to meet the purposes of this chapter

"Board" means board of radiologic technology

"Radiation therapy technologist" means any person who applies x-rays, cobalt 60 or electrons to human beings for therapeutic purposes.

"Radiologic technologist" means any person who applies x-rays to human beings for diagnostic purposes

"Radiologic technology" means the application of x-rays, cobalt 60 or electrons on human beings for diagnostic or therapeutic purposes

"Supervision" means responsibility for, and control of, quality, radiation safety, and technical aspects of all x-ray, cobalt 60 or electrons examinations and procedures]

"Approved school for radiologic technologists", "approved training program for radiographers", and "approved training program for radiation therapy technologists" mean a school or training program determined and accredited by the department as providing a course of instruction in radiologic technology that is adequate to meet the purposes of this chapter

"Board" means the radiologic technology board

"Department" means the department of health

"Director" means the director of health

"Radiation therapy technologist" means any person who applies x-rays, cobalt 60, or electrons to human beings for therapeutic purposes

"Radiation therapy technology" means the application of x-rays, cobalt 60, or electrons to human beings for therapeutic purposes

"Radiographer" means any person who applies x-rays to human beings for diagnostic purposes

"Radiography" means the application of x-rays to human beings for diagnostic purposes

"Radiologic technologist" means any person who applies x-rays to human beings for diagnostic purposes, or x-rays, cobalt 60, or electrons to human beings for therapeutic purposes

"Radiologic technology" means the application of x-rays to human beings for diagnostic purposes or x-rays, cobalt 60, or electrons to human beings for therapeutic purposes

"Supervision" means responsibility for, and control of, quality, radiation safety, and technical aspects of all x-ray, cobalt 60, or electron examinations and procedures "

SECTION 5 Section 466J-2, Hawaii Revised Statutes, is amended to read as follows

"**§466J-2 [Board of radiologic technologists; appointment, powers and duties.] Radiologic technology board; appointment; duties.** The governor shall appoint and may remove in the manner prescribed in section 26-34 a board of a radiologic technologists, to be placed in the department [of health] for administrative purposes.

The board shall consist of nine members. The [appointed] membership shall be composed of two persons licensed to practice medicine pursuant to chapter 453 and certified by the American Board of Radiology[.]; four persons, each with at least five years' experience and certified in the practice of [radiologic technology,] radiography, two of whom shall be persons engaged in the hospital practice of [radiology,] radiography; and one person who practices radiologic technology for therapeutic purposes, and one person from the general public.

[The governor shall reduce the terms of those appointed so as to provide for the expirations of an equal number of terms each year. The director of health or the director's designated representative shall be the ninth, ex officio voting member of the board.]

The board shall:

(1) Select its own [chairman;] chairperson;
(2) Adopt, amend, or repeal such rules pursuant to chapter 91 as are necessary to effectuate the purposes of this chapter;
(3) Determine minimum standards for and approve such educational institutions which provide a course of instruction in radiologic technology which meets the requirements of this chapter;
(4) Withdraw approval or deny approval of educational institutions for failure to meet prescribed standards;
(5) Examine, license, and grant, deny, or revoke the licenses of qualified applicants;
(6) Keep a record of all its proceedings; and
(7) Make an annual report to the governor.

Members of the board shall serve without compensation, but shall be reimbursed for expenses; including travel expenses, necessary for the performance of their duties."

SECTION 6. Section 466J-4, Hawaii Revised Statutes, is amended to read as follows:

"**§466J-4 Licenses required.** No person shall practice or offer to practice as a [radiologic technologist] radiographer or as a radiation therapy technologist without an appropriate license previously obtained and maintained in good standing in compliance with this chapter and the rules of the board. After July 1, 1974, it shall be unlawful for any person not appropriately licensed under this chapter to practice or offer to practice radiologic technology.

Every person licensed as a [radiologic technologist] radiographer or as a radiation therapy technologist shall be subject to an annual license fee (initial and renewal) of $10. The annual period shall commence on July 1 of each year, and the failure of any licensee to pay the licensee's fee shall be grounds for revocation of the licensee's license. All fees collected by the board shall be deposited into the general fund."

SECTION 7. Section 466J-5, Hawaii Revised Statutes, is amended to read as follows:

"**§466J-5 [Radiologic technologists] Radiographers and radiation therapy technologists; qualifications, licenses, examination.** [(a) An applicant for a license

to practice as a radiologic technologist or as a radiation therapy technologist shall submit to the board written evidence, verified by oath or affirmation, that the applicant

(1) Has satisfactorily completed a course in an approved school for radiologic technologists or an approved training program for radiation therapy technologists,

(2) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency

(b) The board shall adopt rules pursuant to chapter 91 to further define and regulate the practices authorized for radiologic technologists and for radiation therapy technologists

(c) The applicant shall be required to pass the appropriate examination specified and administered by the board, provided that the board may accept in lieu of the examination a certificate of another agency or organization which certifies radiologic technologists or radiation therapy technologists, if such certificate was issued on the basis of an examination reasonably equivalent to the examination administered by the board

(d) A person who, on July 1, 1974, is actively engaged or was actively engaged in this State in the last five years in the practice of radiologic technology and has satisfactorily completed a course in radiologic technology in an approved school for radiologic technologists or has had three years of practical experience and training in radiologic technology shall, without a requirement of examination, receive a license

(e) The applicant applying for a license to practice as a radiologic technologist or as a radiation therapy technologist shall pay a non-refundable fee of $10 to the board, plus the cost of an examination All fees received by the board and moneys collected under this chapter shall be deposited with the director of finance to the credit of the general fund

(f) Any person who holds a license to practice as a radiologic technologist shall have the right to use the title "certified radiologic technologist", and the abbreviation C R.T No other person shall assume such title or use such abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a certified radiologic technologist

(g) Any person who holds a license to practice as a radiation therapy technologist shall have the right to use the title "certified radiation therapy technologist", and the abbreviation C R T T No other person shall assume such title or use such abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a certified radiation therapy technologist

(h) The form of every license shall be prescribed by and issued in the name of the board] (a) An applicant for a license to practice as a radiographer or as a radiation therapy technologist shall submit to the board written evidence, verified by oath or affirmation, that the applicant

(1) Has satisfactorily completed a course in an approved school for radiologic technology or an approved training program for radiographers or radiation therapy technologists; and

(2) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency

(b) The board shall adopt rules pursuant to chapter 91 to further define and regulate the practices authorized for radiographers and for radiation therapy technologists

(c) The applicant shall be required to pass the appropriate examination specified and administered by the board; provided that the board may accept in lieu of the examination a certificate of another agency or organization that certifies radiographers or radiation therapy technologists, if the certificate was issued on the basis of an examination reasonably equivalent to the examination administered by the board.

(d) The board shall adopt rules pursuant to chapter 91 to enable licensed radiographers and licensed radiation therapy technologists from other states having standards that are comparable to those in Hawaii to obtain licensure without the need for examination.

(e) The applicant applying for a license to practice as a radiographer or as a radiation therapy technologist shall pay a non-refundable fee of $10 to the department, plus the cost of an examination. All fees received by the department and moneys collected under this chapter shall be deposited with the board[1] of finance to the credit of the general fund.

(f) Any person who holds a license to practice as a radiographer shall have the right to use the title "certified radiographer", and the abbreviation C.R. No other person shall assume this title or use its abbreviation or any other words, letters, signs, or devices to indicate that the person is a certified radiographer.

(g) Any person who holds a license to practice as a radiation therapy technologist shall have the right to use the title "certified radiation therapy technologist". No other person shall assume this title or use its abbreviation or any other words, letters, signs, or devices to indicate that the person is a certified radiation therapy technologist.

(h) The form of every license shall be prescribed by and issued in the name of the board."

SECTION 8. Section 466J-6, Hawaii Revised Statutes, is amended to read as follows:

"**§466J-6 Persons exempted.** (a) Any provision in this chapter to the contrary notwithstanding, a license shall not be required for licensed medical practitioners in radiology, licensed doctors of dentistry, dental technicians, dental hygienists, and students in an approved school for [radiologic technologists] radiographers and radiation therapy technologists and in schools of medicine, podiatry, dentistry, or chiropractic, when [such] the persons are operating x-ray machines under the direct supervision of a licensed radiographer, licensed radiation therapy technologist, or a qualified person pursuant to this chapter.

(b) The board may issue special temporary permits upon request to unlicensed [technologists] radiographers working in shortage areas."

SECTION 9. Section 466J-7, Hawaii Revised Statutes, is amended to read as follows:

"**§466J-7 Radiologic technology education programs.** (a) An institution desiring to conduct an education program to prepare certified [radiologic technologists] radiographers or certified radiation therapy technologists shall apply to the board and submit evidence that it is prepared to meet such standards as shall be established by law and by the board.

(b) From time to time as deemed necessary by the board, it shall be the duty of the board, through [its] the board's authorized representative, to survey radiologic technology education programs in the State. Written reports of the surveys shall be submitted to the board. If the board determines that any accredited radiologic technology education program is not maintaining the

standards required by law and by the board, notice thereof in writing specifying the discrepancies shall be immediately given to the institution conducting the program A program [which] that fails to correct these conditions to the satisfaction of the board within a reasonable time shall be discontinued after a hearing held in conformance with chapter 91 "

SECTION 10 Section 466J-8, Hawaii Revised Statutes, is amended to read as follows

"**§466J-8 Denial, revocation, or suspension of license.** (a) The board shall have the power to deny, revoke, or suspend any license issued [by the board] or applied for in accordance with this chapter, upon proof that the person.

(1) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice as a [radiologic technologist] radiographer or as a radiation therapy technologist,
(2) Is mentally incompetent,
(3) Is guilty of unprofessional conduct, or
(4) Has [wilfully] knowingly or repeatedly violated this chapter.

(b) Before denying, suspending or revoking any license, the board shall furnish the licensee a notice in writing as prescribed by section 91-9 and shall afford the licensee an opportunity to be heard in person and by or with counsel Any order denying a license, or suspending or revoking a license shall be rendered not later than fifteen days after the hearing, and any aggrieved person may appeal the order as provided in chapter 91 "

SECTION 11 Section 466J-9, Hawaii Revised Statutes, is amended to read as follows

"**§466J-9 Violations of chapter; penalties.** It shall be a misdemeanor for any person, including any corporation, association, or individual to.

(1) Sell or fraudulently obtain or furnish any [radiologic technologist's] radiographer's or radiation therapy technologist's diploma, license, renewal, or record or aid or abet therein,
(2) Practice radiologic technology as defined by this chapter under cover of any license or record illegally or fraudulently signed or issued unlawfully or under fraudulent representation,
(3) Practice radiologic technology unless licensed to practice under this chapter,
(4) Use in connection with [his or her] the person's name any designation tending to imply that [he or she] the person is a certified [radiologic technologist] radiographer or a certified radiation therapy technologist unless licensed to practice under this chapter,
(5) Practice radiologic technology during the time [his or her] the person's license issued under this chapter is suspended or revoked, or
(6) Violate this chapter "

SECTION 12 Section 466J-10, Hawaii Revised Statutes, is amended to read as follows

"**§466J-10 Injunctive relief.** The practice of radiologic technology by any person who has not been issued a license under this chapter or whose license has been suspended or revoked or has expired is declared to be inimical to the public welfare and to constitute a public nuisance The board may, through the

attorney general, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a license, or whose license has been suspended or revoked, or whose license has expired, from practicing radiologic technology. Upon the filing of a verified petition in court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that [such] the person is or has been practicing as a [radiologic technologist] radiographer or as a radiation therapy technologist without having been issued a license, or after the person's license has been suspended or revoked, or has expired, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing as [such radiologic technologist] a radiographer or radiation therapy technologist. A copy of the verified petition shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it [be] is established that the defendant has been or is practicing as a [radiologic technologist] radiographer or radiation therapy technologist without having been issued a license or has been or is practicing as a [radiologic technologist] radiographer or as a radiation therapy technologist after the defendant's license has been revoked or has expired, the court, or any judge thereof, may enter a decree perpetually enjoining the defendant from further practicing as a [radiologic technologist] radiographer or as a radiation therapy technologist. In case of violation of any injunction issued under this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. [Such] The injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter."

SECTION 13. Statutory material to be repealed is bracketed. New statutory material is underscored.[2]

SECTION 14. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.

ACT 274 S.B. NO. 3247

A Bill for an Act Relating to Condemnation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to assist persons who are displaced by the government's acquisition of private land either through the power of eminent domain or through a negotiated purchase of private personal property under threat of condemnation.

The legislature finds that it is in the public interest to assist in the relocation of dislocated businesses by giving these entities first priority for the lease of designated public lands for commercial and industrial uses, and by providing other reasonable and appropriate relocation assistance.

SECTION 2. Chapter 101, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§101- **Priority for lessees dislocated by condemnation proceedings.** Notwithstanding any law to the contrary, any lessee engaged in commercial or industrial uses who has been or will be displaced from private property which is acquired by the State or any county for public use by the power of eminent domain or threat thereof shall have the right of first refusal to enter into a lease in an industrial park created under chapter 171, or on other state land, which has been designated as an appropriate relocation site for the displaced lessee by law or by resolution adopted by the board of land and natural resources and approved by the legislature by concurrent resolution "

SECTION 3 Chapter 171, Part VII, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"§171- **Lease for lessees dislocated by condemnation proceedings.** (a) For purposes of this section

(1) "Dislocated lessee" means any lessee engaged in commercial or industrial uses who has been or will be displaced from private property which is acquired by the State or any county for public use by the power of eminent domain or threat thereof, and

(2) "Eligible relocation site" means a site in an industrial park created under this chapter or on other state land, designated as an appropriate relocation site for dislocated lessees by law, or by resolution adopted by the board of land and natural resources and approved by the legislature by concurrent resolution

(b) Notwithstanding any law to the contrary, any dislocated lessee shall have the right of first refusal to enter into a lease for an eligible relocation site

(c) The board shall issue a lease to a dislocated lessee for an eligible relocation site under mutually agreeable terms, conditions, and lease rent The lease shall be issued through negotiations, without regard to the limitations set forth in section 171-16(c) and section 171-59(a) The terms, conditions and rent under the lease shall be in conformance with chapter 171, and the board shall include lease covenants in each lease for the placement and construction of improvements in accordance with minimum standards established by applicable county building codes

(d) The board shall negotiate in good faith with each dislocated lessee If the board and dislocated lessee cannot agree to a lease within one hundred and eighty days from the date the dislocated lessee receives notice of the availability of an eligible relocation site, the board shall have no further obligation to negotiate with or issue a lease to the dislocated lessee for that economic unit, and may issue a lease for the economic unit to another person after the one hundred and eighty-day period according to the provisions of chapter 171 "

SECTION 4 Section 261-32, Hawaii Revised Statutes, is amended to read as follows

"[|§261-32|] **Assistance for displaced person, families, businesses and nonprofit organization.** (a) [Payment of actual and reasonable expenses] The director may compensate any person, family, business, or nonprofit organization for [the person's or its] actual and reasonable moving expenses incurred as a result of being displaced by any land acquisition program of the State for any airport purpose

(b) [Optional payments (dwellings).] Any displaced person who moves from a dwelling who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) [of this section] may receive:

(1) A moving expense allowance, determined according to a schedule established by the director not to exceed $200;

(2) A dislocation allowance in the amount of $100.

(c) [Optional payments (business and farm operations).] Any displaced person who moves or discontinues the person's business or farm operations who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) [of this section], may receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, or $5,000, whichever is the lesser. In the case of a business no payment shall be made under this subsection unless the director is satisfied that the business: (1) cannot be relocated without a substantial loss of its existing patronage; and (2) is not part of a commercial enterprise having at least one other establishment, not being acquired by the State which is engaged in the same or similar business. [The director shall include the costs specified in this section as a part of the cost of construction of the airport for which such land acquisition program is initiated.]

(d) In addition to any payments authorized in subsection (a) and (c), the director may provide relocation assistance to any displaced person who moves a business as a result of any land acquisition program of the State for any airport use.

(e) The director may enter into leases, licenses, and other arrangements with any displaced person granting the use or occupancy of any lands or property under the department's jurisdiction. The director may allow any lessee of a site acquired by the department to remain on the site, and may enter into a new lease with such person granting the use of the site; provided that the term of the new lease shall not exceed the time remaining on the lease terminated by the acquisition. Any lease issued pursuant to this section shall be issued through negotiation, under mutually agreeable terms, conditions, and lease rent, without regard to the limitations set forth in chapter 171.

(f) The director shall include the costs specified in this section as a part of the cost of construction of the airport for which the land acquisition program is initiated."

SECTION 5. There is appropriated out of the airport revenue fund of the State of Hawaii the sum of $125,000,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the department of transportation to acquire land and to provide for the relocation costs and other necessary and reasonable expenses incurred by dislocated lessees or tenants as a result of actual or threatened condemnation proceedings to acquire private property for the purpose of expanding Honolulu international airport.

SECTION 6. The sum appropriated shall be expended by the department of transportation for the purposes of this Act.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.[1]

SECTION 8. This Act shall take effect on July 1, 1990.

(Approved June 25, 1990.)

Note

1 Edited pursuant to HRS §23G-16 5

ACT 275 S.B NO 3295

A Bill for an Act Relating to Discrimination in Real Property Transactions

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The purpose of this Act is to clarify that discrimination in real property transactions on the basis of a person's handicapped status is illegal in every kind of transaction covered by chapter 515, Hawaii Revised Statutes This Act also clarifies that it is not illegal to discriminate on the basis of parental status with regard to housing for older persons

SECTION 2 Section 515-2, Hawaii Revised Statutes, is amended as follows:

1. By deleting the definition "physical handicap".

[" "Physical handicap" means a physical impairment which substantially limits one or more of a person's major life activities "]

2 By adding a new definition to be appropriately inserted and to read

" "Handicapped status" means the state of having a physical or mental impairment which substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment. The term does not include alcohol or drug abuse that impairs a person's activities or threatens the property or safety of others."

3 By amending the definition of "real estate broker or salesman" to read as follows:

" "Real estate broker or [salesman"] salesperson" means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who [holds himself out as] purports to be engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication, or a person employed by or acting on behalf of any of these "

SECTION 3 Section 515-3, Hawaii Revised Statutes, is amended to read as follows:

"§515-3 Discriminatory practices. It is a discriminatory practice for an owner or any other person engaging in a real estate transaction, or for a real estate broker or [salesman,] salesperson, because of race, sex, color, religion, marital status, parental status, ancestry, [physical handicap,] handicapped status, or HIV (human immunodeficiency virus) infection:

(1) To refuse to engage in a real estate transaction with a person,

(2) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
(3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
(4) To refuse to negotiate for a real estate transaction with a person;
(5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to the person's attention, or to refuse to permit the person to inspect real property;
(6) To print, circulate, post, or mail, or cause to be so published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;
(7) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith; [provided that it shall not be a discriminatory practice under this section to exclude a person based on parental status, or to so advertise or otherwise state, from a real estate transaction or housing accommodation developed specifically for the elderly. For the purposes of this paragraph an elderly person is a person who is sixty-two years of age or older. Nothing in this section shall affect covenants, bylaws, or administrative provisions established in accordance with chapter 514A or established under organizational documents and proprietary leases for housing cooperatives, placing restrictions based upon parental status, existing prior to April 19, 1984;]
(8) To refuse to engage in a real estate transaction with a blind or deaf person because the person uses the services of a certified guide or signal dog; provided that reasonable restrictions or prohibitions may be imposed regarding excessive noise or other problems caused by those animals. For the purposes of this paragraph:
"Blind" shall be as defined in section 235-1;
"Deaf" shall be as defined in section 235-1;
"Guide dog" means any dog individually trained by a licensed guide dog trainer for guiding a blind person by means of a harness attached to the dog and a rigid handle grasped by the person;
"Reasonable restriction" shall not include any restriction that allows any owner or person to refuse to negotiate or refuse to engage in the real estate transaction; as used herein, the "reasonableness" of the restriction shall be examined by giving due consideration to the needs of a reasonable prudent person in the same or similar circumstances as the blind or deaf person. Depending on the circumstances, a "reasonable restriction" may require the owner of the certified guide or signal dog to comply with one or more of the following:
(A) Provide proof that the animal is a certified guide dog or signal dog;
(B) Observe applicable laws including leash laws and pick-up laws;
(C) Assume responsibility for damage caused by the dog;

(D) Use a harness with a rigid handle on the dog at all times, or
(E) Have the housing unit cleaned upon vacating, by fumigation, deodorizing, professional carpet cleaning, or other method appropriate under the circumstances

The foregoing list is illustrative only, and neither exhaustive nor mandatory, and

"Signal dog" means any dog trained to alert a deaf person to intruders or sounds, or

(9) To solicit or require as a condition of engaging in a real estate transaction that the buyer, renter, or lessee be tested for human immunodeficiency virus infection (HIV), the causative agent of acquired immunodeficiency syndrome (AIDS) "

SECTION 4 Section 515-4, Hawaii Revised Statutes, is amended to read as follows

"**§515-4 Exemptions.** (a) Section 515-3 does not apply:
(1) To the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other if the lessor or a member of the lessor's family resides in one of the housing accommodations, or
(2) To the rental of a room or rooms in a housing accommodation by an individual if the individual or a member of the individual's family resides therein

(b) Nothing in this chapter regarding parental status shall apply to housing for older persons as defined by 42 U.S C. section 3607(b)(2) "

SECTION 5 Section 515-5, Hawaii Revised Statutes, is amended to read as follows

"**§515-5 Discriminatory financial practices.** It is a discriminatory practice for a person to whom application is made for financial assistance in connection with a real estate transaction or for the construction, rehabilitation, repair, maintenance, or improvement of real property, or a representative of such a person
(1) To discriminate against the applicant because of race, sex, color, religion, marital status, parental status, ancestry, [physical handicap,] handicapped status, or HIV (human immunodeficiency virus) infection,
(2) To use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination as to race, sex, color, religion, marital status, parental status, ancestry, [physical handicap,] handicapped status, or HIV infection "

SECTION 6 Section 515-6, Hawaii Revised Statutes, is amended to read as follows

"**§515-6 Restrictive covenants and conditions.** (a) Every provision in an oral agreement or a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, sex, color, religion, marital status, parental status,

ancestry, [with a physical handicap,] or handicapped status, or who are infected by the HIV (human immunodeficiency virus), is void.

(b) Every condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, sex, color, religion, marital status, parental status, ancestry, [physical handicap,] handicapped status, or HIV infection is void, except a limitation [of use], on the basis of religion or sex, on the use of real property held by a religious institution or organization or by a religious or charitable organization operated, supervised, or controlled by a religious institution or organization, and used for religious or charitable purposes.

(c) It is a discriminatory practice to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title."

SECTION 7. Section 515-7, Hawaii Revised Statutes, is amended to read as follows:

"**§515-7 Blockbusting.** It is a discriminatory practice for a person, for the purpose of inducing a real estate transaction from which the person may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, sex, color, religion, ancestry, [or a physical handicap] or handicapped status of the owners or occupants in the block, neighborhood, or area in which the real property is located, or

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located."

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 9. This Act, upon its approval, shall take effect retroactive to June 27, 1989.

(Approved June 25, 1990.)

ACT 276 S.B. NO. 3341

A Bill for an Act Relating to Foster Care.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 346-17.4, Hawaii Revised Statutes, is amended to read as follows:

"**[[§346-17.4]] Foster board allowances for students.** (a) Any eligible foster child shall [continue to] be eligible for foster board allowances after reaching the age of majority and the foster board payments for that person shall [continue to] be paid to the person's foster parents, provided that:

(1) The person is twenty-one years old or younger; and

(2) The person is attending or has been accepted to attend an accredited institution of higher learning [in the State] on a full-time basis [ ], and

(3) The person has continued to reside in the foster home wherein the person reached the age of majority, or has continued to be accepted as a member of the foster family and be under the guidance and support of the foster family.

(b) Reimbursement to foster parents for the former foster child's maintenance cost up to the maximum allowable board amount shall be made retroactive to the person's entry into an accredited institution of higher learning on a full-time basis, but no earlier than July 1, 1987.

(c) Foster board allowances may be applied to costs incurred in undertaking full-time studies at an institution of higher [education] learning.

(d) The department's standards relating to income resources of the foster child shall be applicable to this section."

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved June 25 1990)

ACT 277 S B NO 3351

A Bill for an Act Relating to Leaseholds

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Act 168, Session Laws of Hawaii 1989, is amended to read as follows

"SECTION 1 Section 467-14, Hawaii Revised Statutes, is amended to read as follows

"§467-14 Revocation and suspension of licenses. The real estate commission may revoke any license issued under this chapter, or suspend the right of the licensee to use the license, for any of the following causes.

(1) Making any misrepresentation concerning any real estate transaction,

(2) Making any false promises concerning any real estate transaction of a character likely to mislead another,

(3) Pursuing a continued and flagrant course of misrepresentation, or making of false promises through advertising or otherwise,

(4) Without first having obtained the written consent to do so of both parties involved in any real estate transaction, acting for both the parties in connection with the transaction, or collecting or attempting to collect commissions or other compensation for the licensee's services from both of such parties,

(5) When the licensee, being a real estate salesperson, accepts any commission or other compensation for the performance of any of the acts enumerated in the definition set forth in section 467-1 of real estate salesperson from any person, copartnership, or corporation

other than the salesperson's employer or the broker with whom the salesperson associates or, being a real estate broker or salesperson, compensates one not licensed under this chapter to perform any such act;

(6) When the licensee, being a real estate salesperson, acts or attempts to act as a real estate broker or represents, or attempts to represent, any real estate broker other than the salesperson's employer or the broker with whom the salesperson is associated;

(7) Failing, within a reasonable time, to account for any moneys belonging to others which may be in the possession or under the control of the licensee;

(8) Any other conduct constituting fraudulent or dishonest dealings;

(9) When the licensee, being a copartnership, permits any member of the copartnership who does not hold a real estate broker's license to actively participate in the real estate brokerage business thereof or permits any employee thereof who does not hold a real estate salesperson's license to act as a real estate salesperson therefor;

(10) When the licensee, being a corporation, permits any officer or employee of the corporation who does not hold a real estate broker's license to have the direct management of the real estate brokerage business thereof or permits any officer or employee thereof who does not hold a real estate salesperson's license to act as a real estate salesperson therefor;

(11) When the licensee, being a real estate salesperson, fails to file with the commission a written statement setting forth the name of the real estate broker by whom the licensee is employed or with whom the licensee is associated;

(12) When the licensee fails to obtain on the contract between the parties to the real estate transaction confirmation of who the broker represents;

(13) Violating this chapter, chapter 484, 514A, 514E, 515; section 516- or ; or the rules adopted pursuant thereto;

(14) Splitting fees with or otherwise compensating others not licensed hereunder for referring business; provided that notwithstanding paragraph (5), a licensed broker may pay a commission to:

(A) A licensed broker of another state, territory, or possession of the United States if such broker does not conduct in this State any of the negotiations for which a commission is paid;

(B) A broker lawfully engaged in brokerage activity under the laws of a foreign country if such broker does not conduct in this State any of the negotiations for which a commission is paid; or

(C) A travel agency that in the course of business as a travel agency or sales representative, arranges for compensation the rental of transient vacation rental; provided that for purposes of this paragraph "travel agency" means any sole proprietorship, organization, trust, group, association, partnership, corporation, society, or combination of such, which for compensation or other consideration, acts or attempts to act as an intermediary between a person seeking to purchase travel services and any person seeking to sell travel services, including an air or ocean carrier;

(15) Commingling the money or other property of the licensee's principal with the licensee's own;

(16) Converting other people s moneys to the licensee's own use,
(17) The licensee is adjudicated insane or incompetent, and
(18) Failing to ascertain and disclose all material facts concerning every property for which the licensee accepts the agency, so that the licensee may fulfill the licensee's obligation to avoid error, misrepresentation, or concealment of material facts, provided that for the purposes of this paragraph, the fact that an occupant has AIDS, AIDS Related Complex (ARC) or has been tested for HIV (human immunodeficiency) infection shall not be considered a material fact

Disciplinary action may be taken by the commission whether the licensee is acting as a real estate broker, or salesperson, or on the licensee's own behalf

No licensee shall be suspended for longer than two years and no person whose license has been revoked shall be eligible to apply for a new license until the expiration of two years '

SECTION 2 Section 514A-61, Hawaii Revised Statutes, is amended to read as follows

"**§514A-61 Disclosure requirements.** (a) Each developer of a project subject to this chapter shall prepare and provide to each prospective initial purchaser an abstract which shall contain the following

(1) The name and address of the project, and the name, address, and telephone number of the developer or the developer's agent and of the project manager or the project manager's agent
(2) A breakdown of the annual maintenance fees and the monthly estimated cost for each apartment, revised and updated at least every twelve months and certified to have been based on generally accepted accounting principles,
(3) A description of all warranties for the individual apartments and the common elements including the date of initiation and expiration of any such warranties, and if no warranties exist, the developer shall state that no warranties exist,
(4) A statement of the proposed number of apartments to be used for residential or hotel use in a mixed use project containing apartments for both residential and hotel use,
(5) A statement of the extent of commercial or other non-residential development in the project

(b) In the case of a project which includes one or more existing structures being converted to condominium status

(1) A statement by the declarant, based upon a report prepared by an independent registered architect or engineer, describing the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the condominium,
(2) A statement by the declarant of the expected useful life of each item reported on in paragraph (1) or a statement that no representations are made in that regard,
(3) A list of any outstanding notices of uncured violations of building code or other municipal regulations, together with the cost of curing these violations,
(4) A statement whether the project is on a lot, or has structures, or uses which do not conform to present zoning requirements,

provided that paragraphs (1), (2), and (3) apply only to apartments that may be occupied for residential use, and only to apartments that have been in existence for five years.

(c) In the sale of residential leasehold properties, the disclosure requirements set forth in shall be complied with.

(d) This section shall be administered by the real estate commission. The real estate commission may waive the requirements of subsections (a) and (b) if the information required to be contained in the disclosure abstract is included in the real estate commission's public report on the project."

SECTION 3. Part III of Chapter 516, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§516- Residential lease; disclosure.** (a) Notwithstanding any provision to the contrary, for any sale of residential leasehold property, the deposit, receipt, offer, and acceptance contract (DROA) or other similar contract must state that no later than ten calendar days from acceptance, the seller shall directly or through the seller's agent provide to the buyer, a copy of the original recorded lease and any amendments thereto for the buyer's approval and acceptance. Upon receipt of the original lease and amendments thereto, the buyer shall have five calendar days to review, accept or reject the terms of the lease.

(b) In addition to the requirements set forth in subsection (a), the buyer shall acknowledge receipt of the lease documents specified under subsection (a) through a signed receipt or a signed DROA or other contract. The receipt or contract shall include at least the following information:

(1) A standardized summary of major provisions of the lease in plain language, such as the length of the lease, lease rent terms, lease rent renegotiation dates, how renegotiated lease rents will be calculated; and surrender clause provisions;

(2) A standardized glossary of commonly used lease terms in plain language; and

(3) A statement that the buyer has read and understands the provisions of the lease document.

(c) Within five calendar days of acknowledged receipt of the contract specified in subsection (a), the buyer shall have the right to cancel the offer to purchase with no loss of deposit.

(d) The seller and buyer may, on a standardized form, agree to reduce or extend the time period provided herein for production and review of the applicable lease documents; provided that the agreement shall not constitute a waiver of the requirement to provide the applicable lease documents to the buyer."

SECTION 4. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER
RESIDENTIAL LEASEHOLD CONDOMINIUMS AND COOPERATIVES

PART I. GENERAL PROVISIONS

§ **-1 Applicability.** This chapter applies to all lands on which are situated either residential condominium property regimes created under chapter 514A, or cooperative housing corporations, which are owned or held privately or by the state or by the counties, except Hawaiian homes lands subject to Article XII of the State Constitution and lands owned or held by the federal government.

PART II. RIGHTS OF LESSEES

§ **Residential lease; disclosure.** (a) Notwithstanding any provision to the contrary, for any sale of residential leasehold property, the deposit, receipt, offer, and acceptance contract (DROA) or other similar contract must state that no later than ten calendar days from acceptance, the seller shall, either directly or through the seller's agent provide to the buyer for the buyer's approval and acceptance one of the following lease documents which provide the major provisions of the lease, such as the length of the lease, lease rent terms, lease rent renegotiation dates, how renegotiated lease rents will be calculated, and surrender clause provisions:

(1) Master lease and any amendments thereto; or
(2) Apartment lease and any amendments thereto; or
(3) For initial buyers of condominium apartments only, an unexpired preliminary, final or supplemental condominium property regime public report.

Upon receipt of the applicable lease document, the buyer shall have five calendar days to review, accept or reject the terms of the lease.

(b) In addition to the requirements set forth in subsection (a), the buyer, on resale of the unit, shall acknowledge receipt of the lease documents specified in subsection (a) through a signed receipt or a signed DROA or other contract. The receipt or contract shall include at least the following information:

(1) A standardized summary of major provisions of the lease in plain language, such as the length of the lease, lease rent terms, lease rent renegotiation dates, how renegotiated lease rents will be calculated; and surrender clause provisions;
(2) A standardized glossary of commonly used lease terms in plain language;
(3) A statement that there are currently no statutory provisions for the mandatory conversion of leasehold condominiums and cooperatives, and that there are no assurances that such measures will be enacted in the future; and
(4) A statement that the buyer has read and understands the provisions of the lease document.

(c) Within five calendar days of acknowledged receipt of the contract specified in subsection (a), the buyer shall have the right to cancel the offer to purchase with no loss of deposit.

(d) The seller and buyer may, on a standardized form, agree to reduce or extend the time period provided herein for the production and review of the applicable lease documents; provided that the agreement shall not constitute a waiver of the requirement to provide the applicable lease documents to the buyer.

§ **Mandatory arbitration of rent renegotiation.** (a) Every residential lease shall contain a provision for the mandatory arbitration of any rent renegotiation reopening.

(b) In the event that a residential lease does not contain a mandatory arbitration provision, the following arbitration procedure shall apply:

(1) Rent shall be determined by three impartial arbitrators, who shall be recognized real estate appraisers;
(2) Each party shall select an arbitrator, both of whom shall select the third arbitrator;
(3) The three arbitrators shall determine the rent renegotiation which shall be final, conclusive, and binding on both parties; and
(4) Lessor and lessee shall each pay one-half of all proper costs and expenses other than attorneys' fees."

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect on [July 1, 1990.] July 30, 1990."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

ACT 278 S.B. NO. 3454

A Bill for an Act Relating to Roadwork.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Act 255, Session Laws of Hawaii 1989, is amended as follows:

1. By amending Section 2 to read:

"SECTION 2. There shall be no construction, repairs, or maintenance on the travelling lanes of the Interstate H-1 between the Kapiolani and Kahauiki interchanges between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday until June 30, [1990,] 1991; provided that construction, repairs, and maintenance shall be allowed during such hours and on such days if the director of transportation finds that an emergency condition exists, or that the nature of the work is such that if undertaken at night would jeopardize the health and safety of the public, or that the nature of the work is such that it cannot be done safely and efficiently at night."

2. By amending Section 3 to read:

"SECTION 3. The director of transportation shall submit a status report of [his] the findings and recommendations to the legislature twenty days prior to the convening of the regular session of 1991[,] and a final report prior to the convening of the regular session of 1992, with an analysis of the impact of this Act and recommendations for further action."

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 4 This Act shall take effect upon its approval

(Approved June 25, 1990)

ACT 279 H B NO 1693

A Bill for an Act Relating to the Investigative Powers of the Attorney General and the County Prosecuting Attorneys

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 28-2 5, Hawaii Revised Statutes, is amended to read as follows

"**§28-2.5 Investigations.** (1) The attorney general shall investigate alleged violations of the law when directed to do so by the governor, or when the attorney general determines that an investigation would be in the public interest

[(1) (A) When the department of the attorney general conducts a general investigation, the attorney general or a designated subordinate may subpoena witnesses, examine them under oath, and require the production of any books, papers, documents, or objects that are relevant to the inquiry.

(B) When the department of the attorney general, serves a subpoena under subparagraph (A), it shall attach to the subpoena a short and plain statement of the recipient's rights and the procedures for enforcing and contesting the subpoena

(2) (C)[1] However, when the matter under investigation is the subject of a civil or criminal adjudication, or when the attorney general or a designated subordinate, determines that an adjudication is more probable than not, the office of the attorney general shall be subject to the relevant rules of court and shall exercise subpoena powers no different than those available to the probable opposing party

(B) Upon application by the attorney general, obedience to subpoenas issued by the department of the attorney general may be enforced by the circuit court in the county where the person subpoenaed resides or is found]

(2) The attorney general, when conducting a civil, administrative, or criminal investigation, or the county prosecuting attorneys, when conducting a criminal investigation in their respective jurisdictions, may, subject to the privileges enjoyed by all witnesses in this State, subpoena witnesses, examine them under oath, and require the production of any books, papers, documents, or other objects designated therein or any other record however maintained, including those electronically stored, which are relevant or material to the investigation

(3) A subpoena issued under subsection (2)

(A) Shall state the name of the issuing authority and shall command each person to whom it is directed to attend and give testimony at the time and place specified therein, and may also command the person to whom it is directed to produce books,

papers, documents, or other objects specifically designated therein;

(B) May be served by any police officer of the issuing authority who is not less than eighteen years of age at any place within the jurisdiction of the issuing authority;

(C) Shall require attendance of the witness only in the county wherein he is served with the subpoena or at such other place as is agreed upon by the witness and the issuing authority; provided that if the subpoena is served in a county other than that in which the witness resides or is employed or transacts his business in person, the issuing authority shall bear the expense of travel by the witness to and attendance at the place named in the subpoena to the same extent as provided by the rules of court; and

(D) Shall contain a short, plain statement of the recipient's rights and the procedure for enforcing and contesting the subpoena.

(4) Upon application by the attorney general or the county prosecuting attorney who issued the subpoena, a circuit court of the county wherein the witness resides or is found may compel obedience to the subpoena; provided that the court, on motion promptly made, may quash or modify the subpoena if compliance would be unreasonable or oppressive or violate any privilege the witness may be entitled to exercise in a court proceeding."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Note

1. So in original.

ACT 280 H.B. NO. 2044

A Bill for an Act Relating to a Pilot Program to Reduce the Transmission of Infectious and Communicable Diseases.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Findings and purpose. The purpose of this Act is to establish as a two-year pilot program a sterile needle and syringe exchange program to combat the spread of infectious and communicable diseases. The legislature finds that there is a growing public health problem in the State due to the rapid spread of AIDS and HIV infection through needle sharing among intravenous drug users. The majority of new AIDS cases in Hawaii during the last half of 1989 have been in this population, their partners, and their children. In Hawaii the HIV infection rate among the intravenous drug-using population is currently over ten per cent. Almost all the infants born HIV positive have at least one intravenous drug-using parent. These children, who are infected in utero, live an average of only two to three years. Their medical costs average at least $100,000 over their brief lifespan and they are often orphaned or abandoned.

The department of health estimates that there are three thousand to fifteen thousand intravenous drug users in the State and that ninety-five per cent

of these are not receiving treatment The average waiting time for state-funded treatment is thirty-two to thirty-six weeks While prevention and education remain the most desirable and cost-effective approaches to substance abuse, once a person is addicted, rapid and effective treatment options must be made available Preventing HIV infection is a high priority since every symptomatic case costs a minimum of $50,000 to $60,000 to treat A well-designed sterile needle and syringe exchange program has been proven to be effective in preventing transmission of the virus Data from studies in other states and abroad demonstrate that needle exchange programs apparently do not increase drug use and do not attract new users, rather, they result in a significant increase in requests for drug treatment, an increase in requests for HIV testing and counseling, and constitute effective outreach to hard-core, normally inaccessible users

Public health officials believe that the relatively low rate of HIV infection among IV drug users in Hawaii as compared to fifty to sixty per cent in some east coast cities, makes this an ideal time to establish a sterile needle and syringe exchange program in Hawaii Providing treatment to reduce drug injection and providing means for safer injection are complementary rather than contradictory forms of both AIDS prevention and drug abuse prevention Such programs should be regarded as just one weapon in the first fight against AIDS in a population which is both at very high risk and traditionally hard to reach The key educational message of such a program is that needle sharing carries with it the likelihood of contracting AIDS and of infecting one's partner or child with the deadly virus

SECTION 2 Sterile needle and syringe exchange program (a) No later than July 1, 1990, the director of health shall establish a sterile needle and syringe exchange program The program shall be administered by the director or, pursuant to a memorandum of agreement, the director's designee, subject to the following conditions

(1) The program shall be operated for the purpose of preventing the transmission of the human immunodeficiency virus, the hepatitis B virus, or other life-threatening blood borne diseases, and to promote the treatment and rehabilitation of intravenous drug users,

(2) The program shall be designed and maintained to provide maximum security of exchange sites and equipment, including a full accounting of the number of needles and syringes in use, the number in storage, and any other measure that may be required to control the use and dispersal of needles and syringes, provided that a participant may exchange needles and syringes at any exchange site if more than one site is available For the purposes of this section, the term "participant" means a person who is exchanging needles and syringes at a department of health approved needle and syringe exchange site,

(3) The program shall provide for a one-to-one exchange wherein a participant shall be allowed to exchange one dirty needle and syringe for a sterile needle and syringe,

(4) The program shall provide policies and procedures for the screening of participants to preclude nonintravenous drug users from participating in the program,

(5) The program shall provide a method of identification and authorization of the persons employed by the department of health or its designee, who have access to needles, syringes, or the program's records,

(6) As a condition of the continued operation of the pilot program, the department of health shall provide drug abuse treatment, counseling, and education services to all participants. If a participant requests treatment, a treatment slot shall be made available to that participant. The program shall include, but not be limited to, programs which educate the drug user as to the dangers of contracting HIV infections through needle-sharing practices, offer counseling to assist addicts in rehabilitating and productively reintegrating into the community, and provide treatment to overcome the dependence on drugs;

(7) The program shall be available only to participants who accept the drug abuse treatment, counseling, or education services the department of health is required to provide under paragraph (6); and

(8) The program shall compile research data on behavioral changes, progress in the participants' enrollment in drug abuse treatment, counseling, and education programs, disease transmission, and other information which may be relevant and useful to assist in the planning and evaluation of efforts to combat the spread of blood borne, life-threatening diseases.

(b) No employee of the department or its designee nor any participant in the program shall be in violation of section 329-43.5 on account of activities that consist only of work or participation in the sterile needle and syringe exchange program. The immunity conferred by this section does not extend to the redistribution of needles and syringes in any form and only applies to activities which occur within the boundaries of a department of health approved needle and syringe exchange site.

(c) Nothing in this section immunizes any person from prosecution for violation of any law prohibiting or regulating the use, possession, dispensing, distribution, or promotion of controlled substances, dangerous drugs, detrimental drugs, or harmful drugs. Nothing in this section immunizes any person from prosecution for violation of sections 329-41, 329-42, 712-1241, 712-1242, 712-1243, 712-1244, 712-1245, 712-1246, 712-1246.5, 712-1247, 712-1248, or 712-1249.

SECTION 3. (a) Within ten days of the effective date of this Act, the director of health shall appoint an oversight committee which shall include a representative from the attorney general's office; law enforcement representatives from the county prosecutor's offices and police departments, if possible, and such other representatives the director of health determines are necessary to conduct a thorough and unbiased evaluation of the pilot program established by this Act. The committee shall develop policies and procedures for the conduct of the evaluation and criteria upon which the development of data and the evaluation of the program shall be based. The committee shall meet periodically, at such times as determined by the committee, to monitor the progress of the pilot program and to analyze available data compiled by the program. The committee shall also have input in the evaluation report to be submitted to the legislature.

(b) The department of health, on or before January 1, 1991, and January 1, 1992, shall submit to the legislature a report on the sterile needle and syringe exchange program. The evaluation report shall include but not be limited to:

(1) Information as to the number of participants served and the number of needles and syringes distributed;

(2) A demographic profile of the participants served, including but not limited to age, sex, ethnicity, area of residence, occupation, types of drugs used, length of drug use, and frequency of injection;
(3) Impact of the program on needle and syringe sharing and other high risk behavior,
(4) Data on participants regarding HIV testing, counseling, drug treatment, and other social services, including but not limited to the number and types of referrals made and the extent of successful referrals made for HIV testing and counseling and for drug abuse treatment,
(5) Impact on the transmission of blood borne life-threatening diseases, including, but not limited to, HIV infection among intravenous drug users and drug addiction and HIV infection among newborn infants,
(6) Impact on behaviors which caused participants to be at risk for HIV transmission such as changes in the frequency of drug use and needle sharing and in knowledge and attitudes about their drug habit and the need for periodic HIV testing,
(7) Comparative statistics relating to the impact of the program on drug-related crimes,
(8) Documentation of the frequency and duration of participant enrollment in drug treatment, education, and counseling programs, and
(9) An assessment of the cost-effectiveness of the sterile needle and syringe program versus direct and indirect costs of HIV infection

The report shall also address the strengths and weaknesses of the sterile needle and syringe exchange program, address the advisability of its continuation, recommend amendments to this Act if appropriate, and discuss other matters that may be helpful to the legislature in evaluating the program's efficacy

SECTION 4 Early termination of the program If at any time the pilot program established by this Act is found to be ineffective in carrying out its stated purpose or to be promoting drug abuse, the director of health shall have the authority to terminate the program prior to July 1, 1992

SECTION 5 This Act shall take effect upon its approval and shall be repealed on June 30, 1992

(Approved June 25, 1990)

ACT 281 H.B NO 2967

A Bill for an Act Relating to the Department of Public Safety

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 21-17, Hawaii Revised Statutes, is amended to read as follows

"§21-17 Sergeants-at-arms; powers and duties. The sergeant-at-arms of each house of the legislature, and each of his deputies appointed by authority of such house, shall

(1) Attend such house during its sittings;
(2) Maintain order under the direction of the speaker, president, or other presiding officer of such house;
(3) Under the direction of the clerk of such house, execute the commands of such house and all processes issued by authority thereof, directed to him by the speaker, president, or other presiding officer of such house, or by the chairman or acting chairman of any joint committee established by a concurrent resolution of the two houses of the legislature, or by the chairman or acting chairman of any committee of either house. In [such] this connection the sergeant-at-arms and each of his deputies shall have all the powers and authority of a [sheriff appointed under chapter 601.] police officer, including the power of arrest."

SECTION 2. Section 26-14.6, Hawaii Revised Statutes, is amended to read as follows:

"**[[[§26-14.6[|| Department of public safety.** (a) The department of public safety shall be headed by a single executive to be known as the director of public safety.

(b) The department of public safety shall be responsible for the formulation and implementation of state policies and objectives for correctional, security, law enforcement, and public safety programs and functions, for the administration and maintenance of all correctional facilities and services, for the service of process, and for the security of state buildings.

(c) Effective July 1, 1990, the Hawaii paroling authority and the criminal injuries compensation commission are placed within the department of public safety for administrative purposes only.

(d) Effective July 1, 1990, the functions and authority heretofore exercised by the department of corrections relating to adult and juvenile corrections and the intake service centers; the functions and authority heretofore exercised by the judiciary relating to the sheriff's office and judiciary security personnel; and the functions and authority heretofore exercised by the department of the attorney general relating to state law enforcement officers and narcotics enforcement [agents] investigators with the narcotics enforcement division shall be transferred to the department of public safety.

(e) Effective July 1, 1990, the functions and authority heretofore exercised by the department of health pursuant to chapters 329 and 329C with the exception of sections 329-2, 329-3, and 329-4(3) to (8), shall be transferred to the department of public safety.

(f) Effective July 1, 1990, the functions, authority, and obligations, together with the limitations imposed thereon and the privileges and immunities conferred thereby, exercised by a "sheriff," "sheriffs," a "sheriff's deputy," "sheriff's deputies," a "deputy sheriff," "deputy sheriffs," or a "deputy" under sections 21-8, 47-18, 88-51, 105-4, 134-11, 134-51, 183D-11, 187A-14, 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9, 325-80, 329-55, 353-11, 360-5, 360-14, 383-71, 438-5, 445-37, 482E-4, 485-6, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, 587-33, 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 653-6, 654-2, 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to the same extent by the department of public safety.

[(e)] (g) Effective July 1, 1991, the functions and authority heretofore exercised by the director of transportation and the department of transportation

related to law enforcement, including those pertaining to parking at its facilities and security, shall be transferred to the department of public safety."

SECTION 3. Section 76-16, Hawaii Revised Statutes, is amended to read as follows:

"**§76-16 Civil service and exemptions.** The civil service to which this part applies comprises all positions in the State now existing or hereafter established and embraces all personal services performed for the State, except the following:

(1) Commissioned and enlisted personnel of the Hawaii national guard as such, and positions in the Hawaii national guard that are required by state or federal laws or regulations or orders of the national guard to be filled from those commissioned or enlisted personnel;

(2) Positions filled by persons employed by contract where the director of personnel services has certified that the service is special or unique or is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform the service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year;

(3) Positions of a temporary nature needed in the public interest where the need for the position does not exceed one year, but before any person may be employed to render the temporary service, the director shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable;

(4) Positions filled by the legislature or by either house or any committee thereof;

(5) Employees in the office of the governor and household employees at Washington Place;

(6) Positions filled by popular vote;

(7) Department heads, officers, and members of any board, commission, or other state agency whose appointments are made by the governor or are required by law to be confirmed by the senate;

(8) Judges, referees, receivers, masters, jurors, jury commissioners, notaries public, land court examiners, court commissioners, and attorneys appointed by a state court for a special temporary service;

(9) One bailiff for the chief justice of the supreme court who shall have the powers and duties of a court officer and bailiff under section 606-14, one secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court, three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court and each judge of the intermediate appellate court, and one law clerk for each judge of the circuit court and the administrative judge of the district court of the first circuit (provided that the law clerk for a judge of the circuit court shall be employed in lieu of and shall have the powers and duties of a court officer and bailiff under section 606-14), [sheriff, first deputy sheriff, and second deputy sheriff,] and one private secretary for the administrative director of the courts, the deputy administrative director of the courts, each department head, each deputy or first assistant, and each additional deputy, or assistant deputy, or assistant defined in paragraph (16);

(10) First deputy and deputy attorneys general, the administrative services manager of the department of the attorney general, one secretary for the administrative services manager, an administrator and any support staff for the criminal and juvenile justice resources coordination functions, and law clerks;

(11) Teachers, principals, vice-principals, district superintendents, chief deputy superintendents, other certificated personnel, and not more than twenty noncertificated administrative, professional, and technical personnel not engaged in instructional work in the department of education, the special assistant to the state librarian, one secretary for the special assistant to the state librarian, and members of the faculty of the University of Hawaii, including research workers, extension agents, personnel engaged in instructional work, and administrative, professional, and technical personnel of the university;

(12) Employees engaged in special, research, or demonstration projects approved by the governor;

(13) Positions filled by inmates, kokuas, patients of state institutions, persons with severe physical or mental handicaps participating [on] in the work experience training programs, and students and positions filled through federally funded programs which provide temporary public service employment such as the federal Comprehensive Employment and Training Act of 1973;

(14) A custodian or guide at Iolani Palace, Royal Mausoleum, and Hulihee Palace;

(15) Positions filled by persons employed on a fee, contract, or piecework basis who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State;

(16) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, Article V, of the State Constitution; three additional deputies or assistants either in charge of the highways, harbors, and airports divisions or other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor; one additional deputy to administer all hospitals within the jurisdiction of the department of health; one additional deputy in the department of health to administer all environmental health programs within the jurisdiction of the department; one additional deputy in the department of human services either in charge of welfare or other functions within the department as may be assigned by the director of human services; four additional deputies in the department of health in charge of administration or other functions within the department as may be assigned by the director of health with the approval of the governor; one additional deputy in the department of business and economic development to perform the duties assigned by the director of business and economic development and approved by the governor; one additional deputy in the department of budget and finance to perform the duties assigned by the director of finance and approved by the governor; one additional deputy within the department of land and natural resources to perform the duties to be assigned by the chairperson of the board

of land and natural resources, one additional deputy in the department of taxation to perform the duties assigned by the director of taxation and approved by the governor, and an administrative assistant to the superintendent of education,

(17) Positions specifically exempted from this part by any other law, provided that all of the positions defined by paragraph (9) shall be included in the position classification plan,

(18) Positions in the state foster grandparent program and positions for temporary employment of senior citizens in occupations in which there is a severe personnel shortage or in special projects,

(19) Household employees at the official residence of the president of the University of Hawaii,

(20) Employees in the department of education engaged in the supervision of students during lunch periods and in the cleaning of classrooms after school hours on a less than half-time basis,

(21) Employees hired under the tenant hire program of the Hawaii housing authority, provided that no more than twenty-six per cent of the authority's work force in any housing project maintained or operated by the authority shall be hired under the tenant hire program,

(22) Positions of the federally funded expanded food and nutrition program of the University of Hawaii which require hiring of nutrition program assistants who live in the areas they serve,

(23) Positions filled by severely handicapped persons who are certified by the state vocational rehabilitation office that they are able to perform safely the duties of the positions, [and]

(24) One public high school student to be selected by the Hawaii state student council as a nonvoting member on the board of education as authorized by the State Constitution[ ], and

(25) Sheriff, first deputy sheriff, and second deputy sheriff

The director shall determine the applicability of this section to specific positions

Nothing in this section shall be deemed to affect the civil service status of any incumbent as it existed on July 1, 1955 "

SECTION 4 Section 329-1, Hawaii Revised Statutes, is amended by deleting the definition of "department"

[" "Department" means the department of health, State of Hawaii "]

SECTION 5 Section 329-4, Hawaii Revised Statutes, is amended to read as follows:

"**§329-4 Duties of the commission.** The commission shall

(1) Act in an advisory capacity to the department of public safety relating to the scheduling of substances provided in part II of this chapter, by recommending the addition, deletion, or rescheduling of all substances enumerated in part II of this chapter

(2) Act in an advisory capacity to the department of public safety relating to establishment and maintenance of the classes of controlled substances, as provided in part II of this chapter

(3) Assist the department of health in coordinating all action programs of community agencies (state, county, military, or private) specifically focused on the problem of drug abuse.

(4) Assist the department of health in carrying out educational programs designed to prevent and deter abuse of controlled substances.
(5) Encourage research on abuse of controlled substances. In connection with such research, and in furtherance of the enforcement of this chapter, it may, with the approval of the director of health:
  (A) Establish methods to assess accurately the effects of controlled substances and to identify and characterize controlled substances with potential for abuse;
  (B) Make studies and undertake programs of research to:
    (i) Develop new or improved approaches, techniques, systems, equipment, and devices to strengthen the enforcement of this chapter;
    (ii) Determine patterns of abuse of controlled substances and the social effects thereof; and
    (iii) Improve methods for preventing, predicting, understanding, and dealing with the abuse of controlled substances.
(6) Create public awareness and understanding of the problems of drug abuse.
(7) Sit in an advisory capacity to the governor and other state departments as may be appropriate on matters relating to the commission's work.
(8) Act in an advisory capacity to the director of health in substance abuse matters under chapter 321, part XVI. For the purposes of this paragraph, "substance" shall include alcohol in addition to any drug on schedules I through IV of this chapter and any substance which includes in its composition volatile organic solvents."

SECTION 6. Section 607-2, Hawaii Revised Statutes, is amended to read as follows:

"**§607-2 Fees to be accounted for.** With the exception of such fees as are intended to reimburse officers for actual expenditures made by them, [and subject to section 601-36,] all judges', clerks', sheriffs', and deputy sheriffs' fees provided for in this chapter and accruing from any action pending in any court shall be deposited to the credit of the general fund of the State."

SECTION 7. Section 651-1, Hawaii Revised Statutes, is amended to read as follows:

"**§651-1 General provisions.** This part shall apply to circuit and district courts. A judge of any court of record may make any order at chambers which may by the provisions of this part be made by the court in term time. When the proceedings are before a district judge, the judge shall be regarded as the clerk of the court for all purposes contemplated herein. The phrase "police officer," as used in this part, means a licensed process server, or the [sheriff of the State or the sheriff's deputy,] director of public safety or the director's duly authorized representative, and any chief of police or subordinate police officer [duly authorized by the sheriff]. Nothing in this part shall be construed to permit a district judge to issue a writ of attachment to be served out of the circuit in which the judge's court is situated, or to permit an attachment of real estate, or any interest therein, under a writ issued by a district court judge."

SECTION 8 Section 846-11, Hawaii Revised Statutes, is amended to read as follows

"**§846-11 [Office of correctional information and statistics.] Coordination with department of public safety.** The data center shall coordinate its activities with the records system of the intake service centers of the [office of correctional information and statistics] department of public safety Criminal history record information shall be provided from this office to the data center and the functions of each shall be coordinated so that there will be no overlap, or duplication of efforts "

SECTION 9 Act 211, Session Laws of Hawaii 1989, is amended by amending section 23 to read as follows

"SECTION 23 **Appeals.** The right of appeal from administrative actions or determinations as provided by law shall not be impaired by this Act

Except as otherwise provided by this Act, wherever a right of appeal from administrative actions or determinations is provided by law to or from any officer, board, department, bureau, commission, administrative agency, or instrumentality of the State which, or any of the programs of which, is transferred by this Act to the department of public safety, the right of appeal shall lie to or from the department of public safety when the transfer is made The right of appeal shall exist to the same extent and in accordance with the applicable procedures that are in effect immediately prior to the [effective] date of approval of this Act

If the provisions of the preceding paragraph relating to appeals cannot be effected by reason of abolishment, splitting, or shifting of functions or otherwise, the right of appeal shall lie to the circuit court of the State pursuant to the Hawaii Rules of Civil Procedure "

SECTION 10 Chapter 329, Hawaii Revised Statutes, with the exception of sections 329-2 and 329-3, Hawaii Revised Statutes, is amended by replacing all references to "department" or "department of health" with "department of public safety" and "director" or "director of health" with "director of public safety," as appropriate

SECTION 11 Section 10 of Act 211, Session Laws of Hawaii 1989, is repealed

["SECTION 10 Effective July 1, 1990, sections 21-8, 21-17, 26-7, 26-9, 26-24, 28-11, 47-10, 52-36, 76-16, 88-51, 105-54, 134-11, 134-51, 143-1, 143-7, 183D-11, 187A-14, 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9, 325-80, 326-35, 326-36, 326-37, 326-38, 346-4 5, 353-11, 360-5, 360-14, 383-71, 438-5, 445-37, 482E-4, 485-6, 487-10, 501-42, 501-171, 501-218, 521-78, 576D-11, 578-4, 584-6, 587-33, 603-29 604-6 2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11, 634-12, 634-21. 634-22, 651-1, 651-33, 651-37, 651-51, 653-6, 654-2, 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23, Hawaii Revised Statutes, are amended by replacing all references to "sheriff", "sheriffs", or "office of the sheriff", with references to the director of public safety or the department of public safety, as appropriate "]

SECTION 12 Section 353C-4, Hawaii Revised Statutes, is amended to read as follows

"[]§353C-4[] **Appointment of employees with police powers and other employees.** (a) The director may appoint employees to be public safety officers who shall have all of the powers of police officers; provided that the director may establish and assign the employees to positions or categories of positions that may have differing titles, specific duties, and limitations upon the exercise of police powers.

(b) The director may appoint other personnel necessary to carry out the functions of the department.

(c) The state law enforcement officers transferred from the department of the attorney general by Act 211, Session Laws of Hawaii, 1989, shall be responsible for public safety in state buildings as well as the personal protection of government officials and employees while in the conduct of their duties. The duties of state law enforcement officers shall also include the service of process, including subpoenas, warrants, and other legal documents, and other duties as the director may assign, including the performance of duties of other public safety officers within the department. State law enforcement officers shall have all of the powers of police officers, including the power of arrest."

SECTION 13. Chapter 79, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§79- Assignment to the department of public safety.** (a) Any other law to the contrary notwithstanding, any permanent state civil service employee upon the request of the director of public safety, with the concurrence of the employee's department head, and approval of the governor, shall be assigned to a position in the department of public safety without examination, provided they meet the minimum qualifications for the position, and shall be entitled to additional compensation in the form of an assignment differential of not more than twenty per cent above the basic rate of pay the employee was receiving upon assignment to the department of public safety; provided that the assignment differential shall be recomputed each time the employee's basic rate of pay is changed.

(b) The department of public safety shall not initiate a request for any employee from another department to fill a position under this section, without first offering permanent employees within the department of public safety a promotional opportunity. To be considered for the position, employees must possess the minimum qualifications for the position for which they are applying. Employees from within the department of public safety who are selected to fill a position under this section shall be entitled to the additional compensation provided by subsection (a).

(c) The period of such assignments under subsection (a) and (b) to the department of public safety shall not exceed twenty-four months nor shall the number of those assigned positions exceed eight at any time. Assignment of any employee under subsections (a) and (b) must be made by the director of public safety no later than June 30, 1991.

(d) Upon completion of the employee's assignment to the department of public safety, the employee shall return to the former position in which the employee last held a permanent appointment, the assignment differential shall be terminated, and the employee shall be compensated as though the employee had remained in the former position continuously. No employee shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges as a consequence of the assignment to the department of public safety."

SECTION 14. The department of public safety shall review its role and responsibility for narcotics enforcement, prepare a report setting forth the objectives, functions, and priorities of narcotics enforcement, and make recommendations for statutory amendments as may be appropriate with respect to the powers and duties of its state law enforcement officers engaged in narcotics enforcement The report shall be submitted to the legislature not less than twenty days before the convening of the regular session of 1991

SECTION 15 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 16. This Act shall take effect upon its approval, provided that sections 1, 3, 4, 5, 6, 10, and 11 shall take effect on July 1, 1990; and provided further that section 13 shall be repealed on June 30, 1993

(Approved June 25 1990)

Note

1 Edited pursuant to HRS §23G-16 5

ACT 282 H B NO 3239

A Bill for an Act Relating to the Issuance of Special Purpose Revenue Bonds to Assist Manufacturing Enterprises

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that presently, the State's economy is highly concentrated in a few industries and diversification of the State's economy is urgently needed to provide a broader economic base to create new employment opportunities, to increase tax revenues, and to stimulate the infusion of new capital into the State, which will ultimately improve the general welfare and economic well-being of residents of Hawaii

The legislature further finds that a project with significant potential to stimulate new enterprises and to provide new and increased employment opportunities has been undertaken by Elexs Ltd , to develop a prototype electric vehicle manufacturing plant in Hawaii The plant will utilize an innovative module assembly technique that will allow for decentralized manufacturing methods to be utilized.

The legislature finds that part III, chapter 39A, Hawaii Revised Statutes, permits the State to financially assist manufacturing enterprises through the issuance of special purpose revenue bonds

The legislature finds and declares that the issuance of special purpose revenue bonds under this Act is in the public interest and for the public health, safety, and general welfare of the State.

SECTION 2 Pursuant to part III, chapter 39A, Hawaii Revised Statutes, the department of budget and finance, with the approval of the governor, is authorized to issue in one or more series special purpose revenue bonds in a total amount not to exceed $15,000,000 for the purpose of assisting Elexs Ltd., a Hawaii corporation, or a partnership in which Elexs Ltd. is a general partner, in the generation of new capital for the manufacture of electric vehicles and related products in Hawaii The legislature finds and determines that the activities and facilities of Elexs Ltd constitutes a project as defined in part III, chapter 39A,

Hawaii Revised Statutes, and the financing thereof is assistance to a manufacturing enterprise.

SECTION 3. The special purpose revenue bonds issued under this Act shall be issued pursuant to part III, chapter 39A, Hawaii Revised Statutes, relating to the power to issue special purpose revenue bonds to assist manufacturing enterprises.

SECTION 4. The authorization to issue special purpose revenue bonds under this Act shall lapse on June 30, 1992.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

ACT 283 H.B. NO. 3380

A Bill for an Act Relating to Condominiums.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 514A-13.5, Hawaii Revised Statutes, is amended to read as follows:

"**§514A-13.5 Remuneration to allow ingress and egress prohibited.** Ingress and egress through lobby area[1] or walkways, whether common elements, limited common elements, or individually owned, shall not be denied to apartment owners seeking access to the apartments. No payment of any fee or other type of remuneration by individual owners singly, or collectively as part of an owners' association, shall be allowed. This section shall apply to condominium property regimes in existence on May 18, 1984, and those formed thereafter, except as to lobby areas or walkways which are limited [to] common elements, or individually owned."

SECTION 2. Section 514A-82.3, Hawaii Revised Statutes, is amended to read as follows:

"**§514A-82.3[1] Borrowing of Money.**[1] Subject to any approval requirements and spending limits contained in the declaration or bylaws of[1] association of apartment owners, the board of directors may authorize the borrowing of money to be used by the association for the repair, replacement, maintenance, operation, or administration of the common elements of the project, or the making of any additions, alterations, and improvements thereto. The cost of such borrowing, including, without limitation, all principal, interest, commitment fees, and other expenses payable with respect to such borrowing, shall be a common expense of the project; provided that owners representing fifty per cent of the common interest and [owners] apartments give written consent to such borrowing, having been first notified of the purpose and use of the funds."

SECTION 3. Section 514A-102, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Beginning fifteen calendar days prior to the date any developer notifies the commission of the developer's intention to sell a project which is

subject to this chapter, the developer shall cause to be published in the classified section of at least one newspaper published daily in the State and having a general circulation in the county in which the project is to be located, not less than once in each of two successive weeks, an announcement containing a summary of at least the following information:

(1) The location of the project,

(2) A fair and reasonable estimate of

(A) The total number of apartments to be included in the project;

(B) The number of apartments designated as residential units;

(C) The price range of the units;

(D) The approximate size of the units, and

(E) A designation whether the units are fee simple or leasehold;

(3) A statement that the apartments shall be offered for sale upon the issuance of the first public report by the commission, and the approximate date of the issuance,

(4) A statement of the intended use, such as, but not limited to, commercial, timesharing, or vacation rental, of any apartment in the project other than a residential unit designated for use by an owner-occupant,

(5) A statement that fifty per cent of the residential units shall initially be offered for a ten-day period to only prospective owner-occupants, and a designation of such residential units,

(6) A statement of the availability and number of residential units in the project that are "accessible" and "adaptable," as those terms are defined and interpreted in 24 C F R §100 et seq., for persons with disabilities,

[(6)] (7) The name and address of a real estate broker, which shall be designated by the developer, who any interested individual may contact to be placed on a reservation list, and to obtain further information on the project; and

[(7)] (8) A statement that a public report has not been issued for the project, and that the commission has not yet determined whether the developer has adequately disclosed all material facts as required by law."

SECTION 4 Section 514A-133, Hawaii Revised Statutes, is amended to read as follows

"[~~§514A-133~~] **Management of fund.** (a) The sums received by the commission for deposit in the condominium management education fund shall be held by the commission in trust for carrying out the purpose of the fund

(b) The commission and the director of commerce and consumer affairs may use moneys in the condominium management education fund to employ necessary personnel not subject to chapters 76 and 77 for additional staff support, to provide office space, and to purchase equipment, furniture, and supplies required by the commission to carry out its responsibilities under this part

(c) The moneys in the condominium management education fund may be invested and reinvested together with the real estate education fund established under section 467-19 in the same manner as are the funds of the employees' retirement system of the State The interest from these investments shall be deposited to the credit of the condominium management education fund

(d) The commission shall annually submit to the legislature, prior to the convening of each regular sesson.

(1) A summary of the programs funded during the prior fiscal year and the amount of money in the fund, and
(2) A copy of the budget for the current fiscal year, including summary information on programs which were funded or are to be funded."

SECTION 5 Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6 This Act shall take effect upon its approval.

(Approved June 25, 1990)

Note

1 So in original

ACT 284 S.B. NO 1509

A Bill for an Act Relating to Exemption of Owner-Employees from Unemployment Compensation Payments and Benefits

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 383-7, Hawaii Revised Statutes, is amended to read as follows:

"§383-7 Excluded service. "Employment" does not include the following service.

(1) Agricultural labor as defined in section 383-9 if it is performed by an individual who is employed by an employing unit:
   (A) Which, during each calendar quarter in both the current and the preceding calendar years, paid less than $20,000 in cash remuneration to individuals employed in agricultural labor, and
   (B) Which had, in each of the current and the preceding calendar years:
      (i) No more than nineteen calendar weeks, whether consecutive or not, in which agricultural labor was performed by its employees, or
      (ii) No more than nine individuals in its employ performing agricultural labor in any one calendar week, whether or not the same individuals performed the labor in each week;
(2) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority performed in any calendar quarter by an individual if the cash remuneration paid to such individual by an employing unit for such service is less than $225, and if the total cash remuneration paid to all individuals by an employing unit for such service is less than $1,000 in each calendar quarter in both the current and preceding calendar years;
(3) Service not in the course of the employing unit's trade or business performed in any calendar quarter by an individual, unless the cash remuneration paid for the service is $50 or more and the service is performed by an individual who is regularly employed by the employing unit to perform the service. For the purposes of this

paragraph, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if (A) on each of some twenty-four days during the quarter the individual performs such service for some portion of the day, or (B) the individual was regularly employed (as determined under clause (A)) by the employing unit in the performance of such service during the preceding calendar quarter,

(4) (A) Service performed on or in connection with a vessel not an American vessel, if the individual performing the service is employed on and in connection with the vessel when outside the United States,

(B) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, including service performed as an ordinary incident thereto, except (i) the service performed in connection with a vessel of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States), and (ii) the service performed in connection with a vessel of ten net tons or less (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States) by an individual who is employed by an employing unit which had in its employ one or more individuals performing the service for some portion of a day in each of twenty calendar weeks all occurring, whether consecutive or not, in either the current or the preceding calendar year, and (iii) service performed in connection with the catching or taking of salmon or halibut for commercial purposes,

(5) Service performed by an individual in the employ of the individual's son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of the child's father or mother,

(6) Service performed in the employ of the United States government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this chapter, except that to the extent that the Congress of the United States permits states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this chapter shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services, provided that if this State is not certified for any year by the Secretary of Labor under section 3304(c) of the federal Internal Revenue Code, the payments required of such instrumentalities with respect to such year shall be refunded by the department of labor and industrial relations from the fund in the same manner and within the same period as is provided in section 383-76 with respect to contributions erroneously collected,

(7) Service performed in the employ of any other state, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more such states or political subdivisions; and any service performed in the employ of any instrumentality of one or more other states or their political subdivisions to the extent that the instrumentality is, with respect to such service, exempt from the tax imposed by section 3301 of the Internal Revenue Code of 1954;

(8) Service with respect to which unemployment compensation is payable under an unemployment system established by an act of Congress;

(9) (A) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501(a) of the federal Internal Revenue Code (other than an organization described in section 401(a) or under section 521 of such Code), if (i) the remuneration for such service is less than $50, or (ii) the service is performed by a fully ordained, commissioned, or licensed minister of a church in the exercise of the minister's ministry or by a member of a religious order in the exercise of duties required by such order;

(B) Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university;

(10) Service performed in the employ of a foreign government (including service as a consular or other officer or employee of a nondiplomatic representative);

(11) Service performed in the employ of an instrumentality wholly owned by a foreign government:

(A) If the service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and

(B) If the United States Secretary of State has certified or certifies to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof;

(12) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and service performed as an intern in the employ of a hospital by an individual who has completed a four years course in a medical school chartered or approved pursuant to state law;

(13) Service performed by an individual for an employing unit as an insurance agent or as an insurance solicitor, if all such service performed by the individual for the employing unit is performed for remuneration solely by way of commission;

(14) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(15) Service covered by an arrangement between the department and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by the employing unit's duly approved election, are deemed to be performed entirely within the agency's state,

(16) Service performed by an individual who, pursuant to the Federal Economic Opportunity Act of 1964, is not subject to the federal laws relating to unemployment compensation,

(17) Service performed by an individual for an employing unit as a real estate salesperson, if all such service performed by such individual for such employing unit is performed for remuneration solely by way of commission,

(18) Service performed by a registered sales representative for a registered travel agency, when such service performed by the individual for the travel agent is performed for remuneration by way of commission,

(19) Service performed by a vacuum cleaner salesperson for an employing unit, if all such services performed by the individual for such employing unit are performed for remuneration solely by way of commission[ ],

(20) Services performed for a family owned private corporation organized for profit that employs only members of the family who own at least fifty per cent of the shares each issued by the corporation, provided that

(A) The private corporation elects to be excluded from coverage under this chapter,

(B) The election for exclusion shall apply to all shareholders and under the same circumstances,

(C) No more than two members of a family may be eligible per entity for exclusion under this subsection,

(D) The exclusion shall be irrevocable for five years,

(E) The family-owned private corporation present to the department proof that it has paid federal unemployment insurance taxes as required by federal law, and

(F) The election to be excluded from coverage shall be effective the first day of the calendar quarter in which the application and all substantiating documents requested by the department are filed with the department

None of the foregoing exclusions (1) to [(19)] (20) shall apply to any service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the federal Unemployment Tax Act is required to be covered under this chapter "

SECTION 2 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved June 25 1990)

ACT 285 S.B. NO. 2122

A Bill for an Act Relating to Health.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER ELECTROLOGISTS

§ **-1 Purpose.** The purpose of this chapter is the protection of public health and safety through the licensing and regulation of electrologists.

§ **-2 Definitions.** As used in this chapter:

"Department" means the department of commerce and consumer affairs.

"Director" means the director of commerce and consumer affairs.

"Electrologist" means any person who removes hair from the human body using a needle inserted in the hair follicle and uses direct electric current or shortwave alternating current to destroy the follicle but does not include any hair removal system that does not penetrate the skin.

§ **-3 License required.** Except as otherwise provided by law, no person shall practice the occupation of electrologist in this State either gratuitously or for pay, or shall announce oneself either publicly or privately as prepared or qualified to practice this occupation without having a license issued by the department pursuant to this chapter.

§ **-4 Regulation of electrologists.** (a) The department pursuant to chapter 91, may adopt rules as it deems necessary for the public health or safety relating to, but not limited to:

(1) The education, training, experience or qualifications required to obtain a license under this chapter;
(2) The practices, standards, or conduct of persons holding a license under this chapter; and
(3) The use of anesthetic injections, topical anesthetics, other medications, and prescription drugs.

(b) The department shall receive the assistance of the department of health in formulating rules relating to section -4(a)(3). All matters relating to the establishment and enforcement of sanitation requirements shall be under the jurisdiction of the department of health.

§ **-5 Examination, fees required.** (a) No license shall be issued unless the applicant takes an examination as prescribed by the director and receives a passing score. No license shall be issued unless all fees required by the director have been paid.

(b) The department may contract with a professional testing service to prepare, administer, and grade the examination for licensure as an electrologist. For these purposes, the department may require applicants to pay the examination fee directly to the testing service.

§ -6 **Denial of licensure; hearing.** (a) No applicant shall be licensed as an electrologist if

(1) The applicant has been convicted of a crime and the basis of denial of licensure falls within the exceptions provided in section 831-3 1, or

(2) The applicant has been declared mentally incompetent by any court and the decree has not since been dismissed, or

(3) Proceedings brought against the applicant pursuant to this section resulted in findings of any of the causes listed in subsection -7(b)

(b) Any person whose application for licensure has been denied shall be given notice and the opportunity for a hearing

§ -7 **Refusal to permit examination or issue license; discipline; complaints; grounds; proceedings; hearings.** (a) The director shall have the power to refuse to admit persons to its examinations or to issue or to renew a license, to revoke, limit, condition, or suspend a license as a electrologist and to fine or otherwise discipline a licensed electrologist for any violation of section -7(b)

(b) The department shall have the power to accept, investigate, prosecute, and hear complaints regarding any person, who is a licensed electrologist regarding the following allegations.

(1) Unfitness or incompetence by reason of negligence, habits, or other causes regardless of whether actual damage or damage to the public is established,

(2) Habitual intemperance, addiction, or dependency on alcohol or other habit-forming substances,

(3) Mental incompetence resulting in an inability to practice as an electrologist,

(4) Submitting to or filing with the department any application, notice, statement, or other document in procuring or attempting to procure licensure as an electrologist, which is false or untrue or contains any material misstatement of fact,

(5) Using the title, licensed electrologist, or any designation tending to imply that the person is a licensed electrologist when the person is not in fact licensed or the person's license has been suspended or revoked,

(6) Violating conditions or limitations upon which licensure is granted,

(7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm an individual or the public in the course of professional services or activities,

(8) Having disciplinary action taken against the electrologist in another state,

(9) Aiding or abetting an unlicensed person, knowingly combining or conspiring with an unlicensed person, allowing one's license to be used by an unlicensed person, or acting as agent or associate of an unlicensed person to evade the use of title restrictions of this chapter,

(10) Engaging in false or misleading advertising,

(11) Engaging in sexual conduct in connection with professional services or activities, or

(12) Violating chapter 321, department of health, or any rule adopted thereto

(c) In any proceeding under this section the person subject to the proceeding shall be given notice and the opportunity for a hearing in conformity with chapter 91

§ -8 **Penalties.** (a) Any person against whom proceedings have been brought pursuant to section -7 which resulted in findings of any of the causes listed in subsection -7(b) may be assessed a fine of not less than $100 nor more than $5,000 for each offense. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action.

(b) The director may bring a civil action to enjoin any person for violation of section -7.

§ -9 **Biennial renewal; failure to renew.** The biennial renewal fee shall be paid to the department of commerce and consumer affairs on or before December 31 of each even-numbered year. Failure, neglect, or refusal of any licensee to pay the biennial renewal fee on or before such date shall constitute a forfeiture of the license.

§ -10 **Fees.** The director may establish fees by rules pursuant to chapter 91.

§ -11 **License without necessity of examination.** All persons holding valid licenses as electrologists from the department of health and practicing on the day prior to the effective date of this Act shall be considered licensed under this chapter on the effective date of this Act without necessity of examination."

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . TATTOO ARTISTS

§321- **Purpose.** The purpose of this part is the protection of public health and safety through the licensing and regulation of tattoo artists.

§321- **Definitions.** As used in this part:

"Department" means the department of health.

"Director" means the director of health.

"Facial tattoo" means any tattoo applied above the jawline, anterior to the ear and frontal hairline including the eyelids, eyebrows, or lips.

"Tattoo artist" means any person who creates indelible marks or decorative designs by introducing pigments beneath the surface of the skin with the aid of needles, or other devices.

§321- **Regulation of tattoo artists.** (a) The department shall adopt rules under chapter 91 to implement this part. The rules shall include but not be limited to:

(1) Prohibiting the use of injections, unless administered by a physician licensed under chapter 453 or by a registered nurse licensed under chapter 457;
(2) Appropriate restrictions on topical anesthetics;
(3) Prescribing procedures and conditions for sterilization, storage of sterilized equipment, resterilization, and disposal of discarded needles and other equipment;
(4) Creating examination standards; and
(5) Fixing penalties and fines for violations of this part or any of the rules adopted by the department.

(b) The rules may provide for separate standards for facial tattoos.

§321- **License required; exemptions.** (a) Except as otherwise provided by law, no person shall practice the occupation of tattoo artist in this State either gratuitously or for pay, or shall announce oneself either publicly or privately as prepared or qualified to practice that occupation without having a valid unrevoked license to do so

(b) Physicians holding a valid unrevoked license under chapter 453 are exempt from the requirements of this part

§321- **Examination, fees required.** (a) No license shall be issued unless the applicant takes an examination as prescribed by the director and receives a passing score No license shall be issued unless all fees required by the director have been paid

(b) The department may contract with a professional testing service to prepare, administer, and grade the examination for licensure as a tattoo artist For these purposes, the department may require applicants to pay the examination fee directly to the testing service

§321- **Facial tattoos.** Application of facial tattoos shall be prohibited except by a physician licensed under chapter 453 or by a tattoo artist who is under the general supervision of such a physician

§321- **Suspension or revocation of license.** The director may revoke or suspend the license of any person licensed under this part who

(1) Is found guilty of any fraud, deceit, or misconduct in the practice of the occupation of tattoo artist; or

(2) Violates this part or any of the rules adopted by the department

In every case where it is proposed to revoke or suspend a license, the director shall give the licensee concerned notice and a hearing The notice shall be given in writing by registered or certified mail with return receipt requested at least fifteen days before the hearing All hearings shall be conducted pursuant to chapter 91

§321- **Denial of licensure; hearing.** (a) No applicant shall be licensed as a tattoo artist if

(1) The applicant has been convicted of a crime and the basis of denial of licensure falls within the exceptions provided in section 831-3 1,

(2) The applicant has been declared mentally incompetent by any court and the decree has not since been dismissed, or

(3) Proceedings brought against the applicant pursuant to this section resulted in findings of any of the causes listed in subsection 321-(b)

(b) Any person whose application for licensure has been denied shall be given notice and the opportunity for a hearing

§321- **Discipline; complaints; grounds; proceedings; hearings.** (a) The director shall have the power to revoke, limit, condition, or suspend a license as a tattoo artist and to fine or otherwise discipline a licensed tattoo artist for any violation of subsection (b)

(b) The department shall have the power to accept, investigate, prosecute, and hear complaints regarding any person, who is a licensed tattoo artist regarding the following allegations

(1) Unfitness or incompetence by reason of negligence, habits, or other causes regardless of whether actual damage or damage to the public is established,

(2) Habitual intemperance, addiction, or dependency on alcohol or other habit-forming substances;
(3) Mental incompetence resulting in an inability to practice as a tattoo artist;
(4) Submitting to or filing with the department any application, notice, statement, or other document in procuring or attempting to procure licensure as a tattoo artist, which is false or untrue or contains any material misstatement of fact;
(5) Using the title, licensed tattoo artist, or any designation tending to imply that the person is a licensed tattoo artist when the person is not in fact licensed or the person's license has been suspended or revoked;
(6) Violating conditions or limitations upon which licensure occurs;
(7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm an individual or the public in the course of professional services or activities;
(8) Having disciplinary action taken against the tattoo artist in another state;
(9) Aiding or abetting an unlicensed person, knowingly combining or conspiring with an unlicensed person, allowing one's license to be used by an unlicensed person, or acting as agent or associate of an unlicensed person to evade the use of title restrictions of this chapter;
(10) Engaging in false or misleading advertising; or
(11) Engaging in sexual conduct in connection with professional services or activities.

(c) In any proceeding under this section the person subject to the proceeding shall be given notice and the opportunity for a hearing in conformity with chapter 91.

§321- Penalties. (a) Any person against whom proceedings have been brought pursuant to section 321- which resulted in findings of any of the causes listed in subsection 321- (b) may be assessed a fine of not less than $100 nor more than $5,000 for each offense. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action.

(b) The director may bring a civil action to enjoin any person for violation of section 321- (b).

§321- Biennial renewal; failure to renew. The biennial renewal fee shall be paid to the department of health on or before December 31 of each even-numbered year. Failure, neglect, or refusal of any licensee to pay the biennial renewal fee on or before such date shall constitute a forfeiture of the license.

§321- Fees. The director may establish fees by rules pursuant to chapter 91.

§321- License without necessity of examination. All persons holding valid licenses as tattoo artists from the department of health and practicing on the day prior to the effective date of this Act shall be considered licensed under this chapter on the effective date of this Act without necessity of examination."

SECTION 3. Section 26-9, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The board of acupuncture, board of public accountancy, board of barbers, board of cosmetology, boxing commission, board of chiropractic examiners, contractors license board, board of dental examiners, board of electricians and plumbers, elevator mechanics licensing board, board of [registration of] professional engineers, architects, surveyors[1] and landscape architects, board of hearing aid dealers and fitters, board of massage, board of medical examiners, motor vehicle industry licensing board, motor vehicle repair industry board, board of examiners in naturopathy, board of nursing, board of examiners of nursing home administrators, board of dispensing opticians, board of examiners in optometry, board of osteopathic examiners, pest control board, board of pharmacy, board of physical therapy, board of psychology, board of detectives and guards, real estate commission, board of veterinary examiners, [and state] board of speech pathology and audiology, and any board, commission, program, or entity created pursuant to or specified by statute in furtherance of the purpose of this section including but not limited to sections 26H-4, 484, 514A, and 514E are placed within the department of commerce and consumer affairs for administrative purposes."

SECTION 4. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

"**§26H-4 Repeal dates.** (a) The following chapters are hereby repealed effective December 31, 1990:

(1) Chapter 466J (Board of Radiologic Technology)
(2) Sections 321-13 to 321-15 (midwives, laboratory directors, laboratory technologists, laboratory supervisors, and laboratory technicians[, tattoo artists, electrologists, and sanitarians])

(b) The following chapters are hereby repealed effective December 31, 1991:

(1) Chapter 447 (Dental Hygienists)
(2) Chapter 453 (Board of Medical Examiners)
(3) Chapter 457 (Board of Nursing)
(4) Chapter 458 (Board of Dispensing Opticians)
(5) Chapter 460J (Pest Control Board)
(6) Chapter 462A (Pilotage)
(7) Chapter 438 (Board of Barbers)
(8) Chapter 468K (Travel Agencies)

(c) The following chapters and sections are hereby repealed effective December 31, 1992:

(1) Chapter 448H (Elevator Mechanics Licensing Board)
(2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
(3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
(4) Chapter 460 (Board of Osteopathic Examiners)
(5) Chapter 461 (Board of Pharmacy)
(6) Chapter 461J (Board of Physical Therapy)
(7) Chapter 463E (Podiatry)
(8) Chapter 467D (Social Workers)
(9) Sections 321-13 to 321-15 only as they relate to sanitarians

(d) The following chapters are hereby repealed effective December 31, 1993:

(1) Chapter 437 (Motor Vehicle Industry Licensing Board)
(2) Chapter 437B (Motor Vehicle Repair Industry Board)
(3) Chapter 440 (Boxing Commission)

(4) Chapter 446 (Debt Adjusters)
(5) Chapter 436E (Board of Acupuncture)

(e) The following sections are hereby repealed effective December 31, 1993:

(1) Sections 445-21 to 38 (Auctions)
(2) Sections 445-131 to 136 (Pawnbrokers)
(3) Sections 445-171 to 172 (Secondhand Dealers)
(4) Sections 445-231 to 235 (Scrap Dealers)

(f) The following chapters are hereby repealed effective December 31, 1994:

(1) Chapter 441 (Cemetery and Funeral Trusts)
(2) Chapter 443B (Collection Agencies)
(3) Chapter 452 (Board of Massage)
(4) Chapter 455 (Board of Examiners in Naturopathy)
(5) Chapter 459 (Board of Examiners in Optometry)
(6) Chapter 442 (Board of Chiropractic Examiners)
(7) Chapter 373 (Commercial Employment Agencies)
(8) Chapter 448 (Board of Dental Examiners)
(9) Chapter 465 (Board of Psychology)
(10) Chapter 468E (Speech Pathology and Audiology)

(g) The following chapters are hereby repealed effective December 31, 1995:

(1) Chapter 439 (Board of Cosmetology)
(2) Chapter 444 (Contractors License Board)
(3) Chapter 448E (Board of Electricians and Plumbers)
(4) Chapter 454 (Mortgage Brokers and Solicitors)
(5) Chapter 454D (Real Estate Collection Servicing Agents)
(6) Chapter 464 (Professional Engineers, Architects, Surveyors and Landscape Architects)
(7) Chapter 466 (Board of Public Accountancy)
(8) Chapter 467 (Real Estate Commission)

(h) The following chapters are hereby repealed effective December 31, 1996:

(1) Chapter 321, part (Tattoo Artists)
(2) Chapter (Electrologists)

[(h)] (i) The following chapters are hereby repealed effective December 31, 1997:

(1) Chapter 463 (Board of Private Detectives and Guards)
(2) Chapter 471 (Board of Veterinary Examiners)."

SECTION 5. Section 321-11, Hawaii Revised Statutes, is amended to read as follows:

"**§321-11 Subjects of health regulations, generally.** The department of health pursuant to chapter 91 may adopt rules as it deems necessary for the public health and safety respecting:

(1) Nuisances, foul or noxious odors, gases, vapors, waters in which mosquitoes breed or may breed, sources of filth, and causes of sickness or disease, within the respective districts of the State, and on board any vessel;
(2) Adulteration and misbranding of food or drugs;
(3) Location, air space, ventilation, sanitation, drainage, sewage disposal, and other health conditions of buildings, courts, construction projects, excavations, pools, watercourses, areas, and alleys;

(4) Privy vaults and cesspools,
(5) Fish and fishing,
(6) Interments and dead bodies,
(7) Disinterments of dead human bodies, including the exposing, disturbing, or removing of such bodies from their place of burial, or the opening, removing, or disturbing after due interment of any receptacle, coffin, or container holding human remains or a dead human body or a part thereof and the issuance and terms of permits for the aforesaid disinterments of dead human bodies,
(8) Cemeteries and burying grounds;
(9) Laundries, and the laundering, sanitation, and sterilization of [all] articles [of] including linen and uniforms used by or in the following businesses and professions barber shops, manicure shops, beauty parlors, electrology shops, restaurants, soda fountains, hotels, rooming and boarding houses, bakeries, butcher shops, public bathhouses, midwives, masseurs, and others in similar calling, public or private hospitals, and canneries and bottling works where foods or beverages are canned or bottled for public consumption or sale, provided that nothing in this chapter shall be construed as authorizing the prohibiting of such laundering, sanitation, and sterilization by those conducting any of such businesses or professions where the laundering or sterilization is done in an efficient and sanitary manner,
(10) Hospitals, freestanding surgical outpatient facilities, skilled nursing facilities, intermediate care facilities, adult residential care homes, adult foster homes, special treatment facilities and programs, home health agencies, hospices, freestanding birthing facilities, adult day health centers, independent group residences, but excluding youth shelter facilities unless clinical treatment of mental, emotional, or physical disease or handicap is a part of the routine program or constitutes the main purpose of the facility, as defined in section 346-16 under "child care institution" For the purpose of this paragraph, "adult foster home" means a private home providing care on a twenty-four hour basis for not more than two developmentally disabled adults at any point in time who are unrelated to the foster family,
(11) Hotels, rooming houses, lodging houses, apartment houses, tenements, and residences for persons with developmental disabilities including, but not limited to, those built under federal funding,
(12) Laboratories,
(13) Any place or building where noisome or noxious trades or manufacturers are carried on, or intended to be carried on,
(14) Milk,
(15) Poisons and hazardous substances, the latter term including, but not limited to, any substance or mixture of substances which (A) is corrosive, (B) is an irritant, (C) is a strong sensitizer, (D) is inflammable, or (E) generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children,
(16) Pig and duck ranches,

(17) Places of business, industry, employment, commerce, and processes, materials, tools, machinery, and methods of work done therein, and places of public gathering, recreation, or entertainment;
(18) Any restaurant, theater, market, stand, shop, store, factory, building, wagon, vehicle, or place where any food, drug, or cosmetic is manufactured, compounded, processed, extracted, prepared, stored, distributed, sold, offered for sale, or offered for human consumption or use;
(19) Foods, drugs, and cosmetics, and the manufacture, compounding, processing, extracting, preparing, storing, selling, and offering for sale or for consumption or use of any food, drug, or cosmetic;
(20) Devices as defined in section 328-1;
(21) Sources of ionizing radiation;
(22) Medical examination, vaccination, revaccination, and immunization of school children. No child shall be subjected to such medical examination, vaccination, revaccination, or immunization, whose parent or guardian shall in writing object thereto on grounds that such requirements are not in accordance with the religious tenets of an established church of which he is a member or adherent, but no such objection shall be recognized when, in the opinion of the department, there is danger of an epidemic from any communicable disease;
(23) Disinsectization of aircraft entering or within the State as may be necessary to prevent the introduction, transmission, or spread of disease or the introduction or spread of any insect or other vector of significance to health;
(24) Fumigation. The process by which substances emit or liberate gases, fumes, or vapors which may be used for the destruction or control of insects, vermin, rodents, or other pests, which, in the opinion of the department, may be lethal, poisonous, noxious, or dangerous to human life;
(25) Ambulances and ambulance equipment; and
(26) Development, review, approval, or disapproval of management plans submitted pursuant to the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519.

The department may require such certificates, permits, or licenses as it may deem necessary to adequately regulate the conditions or businesses referred to in this section."

SECTION 6. Section 321-13, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The department of health, with the approval of the governor, may prescribe such rules as it deems necessary for the public health or safety respecting:

(1) The occupations or practices of midwives, laboratory directors, laboratory technologists, laboratory supervisors, laboratory technicians, tattoo artists, [electrologists,] sanitarians, asbestos inspectors, asbestos management planners, and asbestos abatement project designers;
(2) The health, education, training, experience, habits, qualifications, or character of persons to whom certificates of registration or permits for [such] these occupations or practices may be issued;
(3) The health, habits, character, practices, standards, or conduct of persons holding [such] these certificates or permits; or

(4) The grounds or causes for revoking or suspending [such] these certificates or permits

[Such] The rules shall have the force and effect of law."

SECTION 7. All administrative rules of the department of health concerning the licensure and regulation of electrologists shall continue in effect until amended or repealed by the department of commerce and consumer affairs. The department of commerce and consumer affairs may enforce the administration rules of the department of health until amended or repealed.

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 9. Sections 1, 3, 4, and 5 of this Act shall take effect upon its approval. Sections 2, 6, and 7 of this Act shall take effect on January 1, 1991.

(Approved June 25, 1990.)

Note

1. So in original.

ACT 286 S.B. NO. 2505

A Bill for an Act Relating to Sales at Wholesale to Producers

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1. When the legislature amended the general excise tax law by Act 204, Session Laws of Hawaii 1971, it inadvertently omitted the phrase "of the feed lot operator's service to a licensed producer of poultry or animals" from section 237-4(5), Hawaii Revised Statutes. Without this phrase, the affected sentence is incomplete and does not make sense. Accordingly, the purpose of this Act is to restore the correct language to section 237-4(5). The legislature finds that the amendments proposed in this Act are not intended to alter the existing words regarding "the segregated cost of the feed". The legislature further finds that these segregated amounts still mean the retail cost of the feed charged to ranchers and other customers of feed lot operators and that the amendments made by this Act will not result in an additional tax burden or an increase in taxes on feed lot operators. There is no intention to include in the segregated amounts any costs related to feed lot services provided by feed lot operators to their customers.

This Act also includes as wholesale, sales of polypropylene shade cloth, polyfilm, and polyethylene film sold to licensed agricultural producers and cooperative associations.

SECTION 2. Section 237-4, Hawaii Revised Statutes, is amended to read as follows.

"§237-4 "Wholesaler", "jobber", defined. "Wholesaler" or "jobber" applies only to a person making sales at wholesale. Only the following are sales at wholesale.

(1) Sales to a licensed retail merchant, jobber, or other licensed seller for purposes of resale;

(2) Sales to a licensed manufacturer of material or commodities which are to be incorporated by the manufacturer into a finished or saleable product (including the container or package in which the product is contained) during the course of its preservation, manufacture, or processing, including preparation for market, and which will remain in such finished or saleable product in such form as to be perceptible to the senses, which finished or saleable product is to be sold and not otherwise used by the manufacturer;

(3) Sales to a licensed producer or cooperative association of materials or commodities which are to be incorporated by the producer or by the cooperative association into a finished or saleable product which is to be sold and not otherwise used by the producer or cooperative association, including specifically materials or commodities expended as essential to the planting, growth, nurturing, and production of commodities which are sold by the producer or by the cooperative association;

(4) Sales to a licensed contractor, of material or commodities which are to be incorporated by the contractor into the finished work or project required by the contract and which will remain in such finished work or project in such form as to be perceptible to the senses;

(5) Sales to a licensed producer, or to a cooperative association described in section 237-23(a)(9) for sale to such producer, or to a licensed person operating a feed lot, of poultry or animal feed, hatching eggs, semen, replacement stock, breeding services for the purpose of raising or producing animal or poultry products for disposition as described in section 237-5 or to be incorporated in a manufactured product as described in paragraph (2) or for the purpose of breeding, hatching, milking, or egg laying other than for the customer's own consumption of the meat, poultry, eggs, or milk so produced; provided that in the case of a feed lot operator, only the segregated cost of the feed furnished by the feed lot operator as part <u>of the feed lot operator's service to a licensed producer of poultry or animals</u> to be butchered or to a cooperative association described in section 237-23(a)(9) of such licensed producers shall be deemed to be a sale at wholesale; and provided further that any amount derived from the furnishing of feed lot services, other than the segregated cost of feed, shall be deemed taxable at the service business rate. This paragraph shall not apply to the sale of feed for poultry or animals to be used for hauling, transportation, or sports purposes;

(6) Sales to a licensed producer, or to a cooperative association described in section 237-23(a)(9) for sale to the producer, of seed for producing agricultural products, or bait for catching fish (including the catching of bait for catching fish), which agricultural products or fish are to be disposed of as described in section 237-5 or to be incorporated in a manufactured product as described in paragraph (2);

(7) Sales to a licensed producer, or to a cooperative association described in section 237-23(a)(9) for sale to such producer; <u>of polypropylene shade cloth; of polyfilm; of polyethylene film;</u> of cartons and such other containers, wrappers, and sacks, and binders to be used for packaging eggs, vegetables, fruits, and other agricultural products; of seedlings and cuttings for producing nursery plants; or of

chick containers, which cartons and such other containers, wrappers, and sacks, binders, seedlings, cuttings, and containers are to be used as described in section 237-5, or to be incorporated in a manufactured product as described in paragraph (2),

(8) Sales of tangible personal property to a licensed person engaged in the service business, provided that (A) the property is not consumed or incidental to the performance of the services, (B) there is a resale of the article at the retail rate of four per cent, and (C) the resale of the article is separately charged or billed by the person rendering the services,

(9) Sales to a licensed leasing company of capital goods which are thereafter leased as a service to others Capital goods means goods which have a depreciable life and which are purchased by the leasing company for lease to its customers

If the use tax law is finally held by a court of competent jurisdiction to be unconstitutional or invalid insofar as it purports to tax the use or consumption of tangible personal property imported into the State in interstate or foreign commerce or both, wholesalers and jobbers shall be taxed thereafter under this chapter in accordance with the following definition (which shall supersede the preceding paragraph otherwise defining "wholesaler" or "jobber") "Wholesaler" or "jobber" means a person, or a definitely organized division thereof, definitely organized to render and rendering a general distribution service which buys and maintains at the person's place of business a stock or lines of merchandise which the person distributes, and which, through salesmen, advertising, or sales promotion devices, sells to licensed retailers, to institutional or licensed commercial or industrial users, in wholesale quantities and at wholesale rates. A corporation deemed not to be carrying on a trade or business in this State under section 235-6 shall nevertheless be deemed to be a wholesaler and shall be subject to the tax imposed by this chapter "

SECTION 3 New statutory material is underscored

SECTION 4 This Act shall take effect on July 1, 1990

(Approved June 25 1990)

ACT 287 S B NO 2730

A Bill for an Act Relating to Ordinary Disability Retirement Under the Employees' Retirement System

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 88-76, Hawaii Revised Statutes, is amended to read as follows

"§88-76 Allowance on ordinary disability retirement. Upon retirement for ordinary disability, a member shall receive a service retirement allowance if the member has attained the age of fifty-five years, otherwise, the member shall receive a retirement allowance of [twenty-five per cent of the member's average final compensation plus one per cent] one and three-fourths per cent of the member's average final compensation for each full year of credited service [over fifteen] except that for each year of credited service as a judge, an elective officer,

or the chief clerk and the sergeant at arms of both houses of the legislature, the member shall receive a retirement allowance computed as provided in section 88-74(3)(A). The minimum retirement allowance payable under this section shall be an allowance of thirty per cent of the member's average final compensation."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect on January 1, 1990.

(Approved June 25, 1990.)

ACT 288 S.B. NO. 3169

A Bill for an Act Establishing Registered Nurse Student Financial Support and Loan Programs and Making Appropriations Therefor.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that changes in the health care system have increased the need for more skilled nurses in Hawaii. These changes include advances and complexities in treatment modalities, medical technologies, and pharmacology. In addition, well-intentioned cost containment measures in acute care have led to increased reliance on home health care, outpatient services, and long-term care facilities, yet the population of acutely ill patients requiring care in acute care facilities is still increasing, albeit for shorter periods. These factors all contribute to a critical demand for hundreds of additional registered nurses throughout the State to ensure that our people have access to the high quality and affordable health care to which they are entitled.

The legislature further finds that the costs associated with earning baccalaureate or associate degrees in nursing are considerable, and that many persons require financial assistance to enable them to enter or complete accredited nursing education programs. Many nursing students, currently forced by economic circumstances to study part-time rather than full-time, will especially benefit from financial assistance in that they will be able to accelerate their schedules and graduate faster.

The purpose of this Act is to assure that an adequate supply of appropriately trained registered nurses will be available to meet the health care needs of Hawaii's citizens by creating the registered nurse student financial support program and the Hawaii registered nurse student loan fund to provide low interest loans to qualified students who intend to become licensed registered nurses and work in Hawaii.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $250,000, or 0.0098 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3 Chapter 321, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows

"§321- **Registered nurse student financial support program.** (a) There is created the registered nurse student financial support program within the department of health for administrative purposes The program shall provide low interest loans to persons who are studying to become licensed registered nurses and who intend to work in this State

(b) To be eligible to participate in the program, an applicant for loans shall make a commitment, in a written notarized form provided by the department, to work as a registered nurse in this State for a minimum of three years immediately following obtaining a license under chapter 457

(c) Eligible applicants shall be subject to a screening and selection process by the department pursuant to rules adopted by the department under this section The department shall adopt rules in consultation with a committee of five members composed of one representative from the Hawaii nurses' association, two representatives who shall be nurse educators, and two representatives from the Hawaii chapter of the American organization of nurse executives

§326-[1] Hawaii registered nurse student loan fund. (a) There is established a special fund to be known as the Hawaii registered nurse student loan fund, from which moneys shall be loaned by the department for the purposes of this section and into which shall be deposited all moneys received as repayment for loans as provided for in this section All interest and fees collected by the department shall be deposited in a loan reserve fund to the extent necessary to carry on the operations of this program All payments received on account of principal shall be credited to the Hawaii registered nurse student loan fund, which shall maintain a proper reserve to guarantee sufficient loans for purposes of this section All funds of the department shall be paid out on warrants signed by the director of health

(b) The Hawaii registered nurse student loan fund shall provide loans to selected eligible applicants at not more than five per cent interest per year The loan amounts shall be used first for payment of tuition and second for other necessary financial assistance in connection with obtaining a degree or certificate from an accredited degree-granting university, college, or nursing institution in Hawaii Preference for selection of eligible applicants shall be given first to students pursuing a career as a registered nurse, and second to students pursuing specialized training for a career as a nurse practitioner

(c) In the event that no accredited specialized nursing educational programs are available in Hawaii, the director of health, in consultation with the screening and selection panel, shall give consideration for loan approval to fund training at an accredited degree-granting or certificate-granting university, college, or nursing institution outside the State of Hawaii

(d) Repayments of loans shall commence twelve months after the recipient has graduated, been licensed, and has obtained employment as a registered nurse in Hawaii, provided that loan beneficiaries shall have their repayment obligation reduced by twenty per cent per year for each year they work as a registered nurse in Hawaii If a student withdraws from nursing studies prior to graduation, graduates but does not seek employment, graduates and becomes employed in the State in a profession other than as a registered nurse, or graduates and becomes employed in any field outside of the State of Hawaii, repayment shall commence immediately The fund shall be implemented on the basis of legislative appropriations as the legislature may deem appropriate The fund may also accept donations from any legitimate source, including federal

and private grants and gifts from private foundations or endowment organizations. Any unencumbered balance, including moneys other than legislative appropriations, remaining in the fund as of the close of business on June 30, 2000, shall lapse into the general fund.

(e) No loan shall be made after June 30, 1995.

§321- Rules. (a)[1] The director of health, in consultation and collaboration with appropriate medical, regulatory, educational, financial, and nursing personnel, resources, or groups in Hawaii shall adopt rules pursuant to chapter 91 to effectuate the purposes of the registered nurse student financial support program and the Hawaii registered nurse student loan fund established in sections 321- and 321- . The rules shall establish at a minimum:

(1) The administrative organization of the program;
(2) Qualifications of loan applicants and recipients;
(3) A standard contract to be executed by the recipient and the applicable program officer stipulating to the conditions of the loan, its duration and amount, the interest rate, the repayment schedule and its obligations, and other items generally included in standard student loan contracts;
(4) An accounting system for tracking appropriations and other contributions, expenditures for loans and operating expenses, repayments of loans and interest, accounts due and payable, loans due and payable, and any other activities generally associated with standard accounting practices;
(5) Positions required to administer the program and the loan fund, and the minimum qualifications, duties, and remuneration for each incumbent, including applicable benefits;
(6) Program application, loan application, and any other forms necessary to efficiently and effectively carry out the purposes of the program and the loan fund;
(7) Formal and informal avenues of communication between the program and nursing and education institutions; the department of health and other applicable state and county agencies; the health care industry in Hawaii, including hospitals, clinics, and private facilities which employ registered nurses; financial institutions; and any other individuals or groups who could assist in increasing the pool of licensed registered nurses in Hawaii;
(8) Minimum standards of conduct for loan recipients;
(9) Sanctions for violating the provisions of contracts executed pursuant to paragraph (3); other agreements, whether oral, written, or implied, relating to the recipient's obligations under the program; and the standards of conduct adopted pursuant to paragraph (8); and
(10) Any other procedures, requirements, or things necessary to successfully carry out the intent and purpose of the program and loan funds created by this section."

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of $250,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the purposes of this Act.

The sum appropriated shall be expended by the department of health.

SECTION 5. New statutory material is underscored.[2]

SECTION 6. This Act shall take effect upon its approval; provided that SECTION 4 shall take effect on July 1, 1990; and provided further that this Act shall be repealed on July 1, 2000.

(Approved June 25, 1990.)

Notes

1 So in original
2 Edited pursuant to HRS §23G-16.5

ACT 289

S.B. NO. 3334

A Bill for an Act Relating to the Income Tax.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 235, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§235- Credit for employment of certain new employees.** (a) Section 51 (with respect to targeted jobs credit) of the Internal Revenue Code shall be operative for the purposes of this chapter as provided in this section.

(b) There shall be allowed to each taxpayer subject to the tax imposed by this chapter, a targeted jobs credit which shall be deductible from the taxpayer's net income tax liability, if any, imposed by this chapter for the taxable year in which the credit is properly claimed.

(c) The amount of the credit determined under this section for the taxable year shall be equal to twenty per cent of the qualified first-year wages for that year. The amount of the qualified first-year wages which may be taken into account with respect to any individual shall not exceed $6,000 per year.

(d) For purposes of this section:

"Qualified wages" means the wages paid or incurred by the employer during the taxable year to an individual who is a vocational rehabilitation referral.

"Qualified first-year wages" means, with respect to any individual, qualified wages attributable to service rendered during the taxable year beginning with the day the individual begins work for the employer and ending on the last day of the taxable year.

"Vocational rehabilitation referral" means any individual who is certified by the department of human services vocational and rehabilitation and services to the blind division in consultation with the Hawaii state employment service of the department of labor and industrial relations as:

(1) Having a physical or mental disability which, for such individual, constitutes or results in a substantial handicap to employment; and
(2) Having been referred to the employer upon completion of (or while receiving) rehabilitative services as specified in section 51(d)(2)(B).

(e) The definitions and special rules in section 51(c), (d)(2), (13), (14), (15), and (16), (f), (h), (i), (j), and (k) of the Internal Revenue Code shall be operative for this section. Penalties and interest shall apply in accordance with section 235-104.

(f) The credit allowed under this section shall be claimed against net income tax liability for the taxable year. A tax credit under this section which exceeds the taxpayer's income tax liability may be used as a credit against the taxpayer's income tax liability in subsequent years until exhausted.

(g) All claims for tax credits under this section, including any amended claims, shall be filed on or before the end of the twelfth month following the close of the taxable year for which the credits may be claimed. Failure to comply with the foregoing provision shall constitute a waiver of the right to claim the credit.

(h) No deduction shall be allowed for that portion of the wages or salaries paid or incurred for the taxable year that is equal to the amount of the credit determined under this section.

(i) The director of taxation may adopt any rules under chapter 91 and forms necessary to carry out this section."

SECTION 2. Section 235-2.3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The following Internal Revenue Code subchapters, parts of subchapters, sections, subsections, and parts of subsections shall not be operative for the purposes of this chapter, unless otherwise provided:

(1) Subchapter A (sections 1 to 59A) (with respect to determination of tax liability), except section 42 (with respect to the low-income housing credit) [and], except sections 47 and 48, as amended, as of December 31, 1984 (with respect to certain depreciable tangible personal property)[.], and except section 51 (with respect to the targeted jobs credit). For treatment, see sections 235-110.7 [and], 235-110.8[.], and 235- .

(2) Section 78 (with respect to dividends received from certain foreign corporations by domestic corporations choosing foreign tax credit).

(3) Section 86 (with respect to social security and tier 1 railroad retirement benefits).

(4) Section 103 (with respect to interest on state and local bonds). For treatment, see section 235-7(b).

(5) Section 120 (with respect to amounts received under qualified group legal services plans). For treatment, see sections 235-2.4 and 235-7(a)(9) to (11).

(6) Section 122 (with respect to certain reduced uniformed services retirement pay). For treatment, see section 235-7(a)(3).

(7) Section 135 (with respect to income from United States saving bonds used to pay higher education tuition and fees). For treatment, see section 235-7(a)(1).

(8) Subchapter B (sections 141 to 150) (with respect to tax exemption requirements for state and local bonds).

(9) Section 151 (with respect to allowance of deductions for personal exemptions). For treatment, see section 235-54.

(10) Section 196 (with respect to deduction for certain unused investment credits).

(11) Subchapter B, part VIII (sections 241 to 250) (with respect to special deductions for corporations), except sections 248 (with respect to organizational expenditures) and 249 (with respect to limitation on deduction of bond premium on repurchase). For treatment, see section 235-7(c).

(12) Section 269A (with respect to personal service corporations formed or availed of to avoid or evade income tax).

(13) Section 280C (with respect to certain expenses for which credits are allowable).

(14) Section 280D (with respect to portion of chapter 45 taxes for which credit or refund is allowable under section 6429).

(15) Section 291 (with respect to special rules relating to corporate preference items)
(16) Section 367 (with respect to foreign corporations)
(17) Section 501(c)(12), (15), (16) (with respect to exempt organizations)
(18) Section 515 (with respect to taxes of foreign countries and possessions of the United States)
(19) Section 521 (with respect to exemption of farmers cooperatives from tax) For treatment, see section 421-23
(20) Subchapter G (sections 531 to 565) (with respect to corporations used to avoid income tax on shareholders).
(21) Subchapter H (sections 581 to 597) (with respect to banking institutions) For treatment, see chapter 241
(22) Section 642(a), (b), and (d) (with respect to special rules for credits and deductions)
(23) Section 668 (with respect to interest charge on accumulation distributions from foreign trusts)
(24) Subchapter L (sections 801 to 847) (with respect to insurance companies) For treatment, see sections 431 7-202 and 431.7-204
(25) Section 853 (with respect to foreign tax credit allowed to shareholders) For treatment, see section 235-55
(26) Subchapter N (sections 861 to 999) (with respect to tax based on income from sources within or without the United States), except part IV (sections 991 to 997) (with respect to domestic international sales corporations) For treatment, see sections 235-4, 235-5, and 235-7(b)
(27) Section 1055 (with respect to redeemable ground rents)
(28) Section 1057 (with respect to election to treat transfer to foreign trust, etc , as taxable exchange)
(29) Subchapter Q (sections 1311 to 1351) (with respect to readjustment of tax between years and special limitations).
(30) Subchapter T (sections 1381 to 1388) (with respect to cooperatives and their patrons) For treatment, see chapter 421 "

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 4 This Act, upon its approval, shall apply to taxable years beginning after December 31, 1989

(Approved June 25 1990)

Note

1 Edited pursuant to HRS §23G 16 5

ACT 290 H B NO 1144

A Bill for an Act Relating to Small Business Incubators

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that a global economy has matured, wherein goods, products goods, products and services from all over the world are gathered, assembled, processed, and distributed throughout a competitive transnational network

The legislature further finds that Hawaii is in the forefront of biotechnology research related to tropical and subtropical environments. The opportunity exists to utilize discoveries in these fields for commercial applications, providing employment and economic opportunities for our people.

There is a need to create a series of small business incubators that serve as development centers that move basic research to the stages of applied research, technology transfer, commercial utilization, and market development.

The purpose of this act is to establish and operate a pilot small business incubator for biotechnology that would conduct research on matters of high priority for Hawaii, provide training in biotechnology research, and develop opportunities and markets for enterprises engaged in biotechnology. These formative activities will enlarge the potential for Hawaii's fledgling businesses.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $100,000, or 0.0039 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $100,000, or so much thereof as may be necessary for fiscal year 1990-1991, to establish and operate a pilot small business incubator in biotechnology research to conduct research and advance training in tropical biotechnology important to Hawaii and to developing countries, especially in the areas of health, agriculture, and marine biology. The incubator shall be a joint project of the department of business and economic development and the University of Hawaii.

SECTION 4. The sum appropriated shall be expended by the department of business and economic development for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 1990.

(Approved June 26, 1990.)

ACT 291 S.B. NO. 2794

A Bill for an Act Relating to Health Care.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds it necessary to supplement institutional health care reimbursements for inpatient care under section 346-59, Hawaii Revised Statutes, relating to medical care payments by the department of human services. This is due to a shortfall between medicare and medicaid payments from the federal government and the cost of services rendered by the medical institutions. The intent of this Act is not to jeopardize the receipt of any federal aid for reimbursements.

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $3,000,000, or 0 12 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 3 There is established a "blue ribbon" panel within the department of health to examine the financial and economic dynamics of the health care industry in Hawaii, with a special emphasis on utilizing the data already generated in previous studies, gathering other pertinent information, and pursuing the following goals.

(1) To understand how Hawaii's health care businesses make money, lose money, finance their operations, and transfer costs to consumers,
(2) To understand the true problems inherent in federal programs, such as medicare and medicaid, and to understand their impacts on the financial well-being of health care delivery systems,
(3) To understand the difference between a long-term care business, an acute hospital business, a primary care business, a health maintenance organization, and outreach efforts, in terms of how each kind of health care delivery business attempts to survive and prosper; and
(4) To determine the effectiveness and advisability of utilizing specific mechanisms to control the cost of health care by
    (A) Regulating health insurance;
    (B) Regulating facility costs,
    (C) Using mechanisms such as the cooperative purchasing of vaccines and competitive bidding to procure services and equipment, and
    (D) Utilizing any combination of subparagraphs (A), (B), and (C), as well as other strategies

The governor, in consultation with the speaker of the house of representatives and the president of the senate, shall appoint a "blue ribbon" panel to include representatives from the office of state planning, labor unions, business groups, financial institutions, consumer advocates, and other state agencies, such as the state health planning and development agency, the department of labor and industrial relations, the department of personnel services, and the department of budget and finance, as well as one representative from the Hawaii medical association and one representative from the health care association of Hawaii The legislative auditor shall provide assistance to the blue ribbon panel upon request

The blue ribbon panel shall submit a preliminary report of its findings and recommendations to the legislature not less than twenty days prior to the convening of the regular session of 1991, and a final report not less than twenty days prior to the convening of the regular session of 1992.

SECTION 4 There is appropriated out of the general revenues of the State of Hawaii the sum of $250,000, or so much as may be necessary for fiscal year 1990-1991, to be allocated for the establishment and operational costs of the blue ribbon panel

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of ~~$2,750,000~~0, or so much thereof as may be necessary for fiscal year 1990-1991, to be distributed to all medicaid participating institutional providers of medical care; provided that any organization receiving funds under this Act shall meet all of the following standards:

(1) Be a profit organization incorporated under the laws of the State or a nonprofit organization determined to be exempt from the federal income tax by the Internal Revenue Services;
(2) In the case of a nonprofit organization, have a governing board whose members have no material conflict of interest and serve without compensation;
(3) Have bylaws or policies, describing the manner in which business is conducted, and including policies relating to nepotism and management of potential conflict of interest situations;
(4) Have at least one year's experience with the medicaid program; and
(5) Be licensed and accredited, as applicable, in accordance with the requirements of federal, state, and county governments; and

provided further that any organization receiving funds under this Act shall agree to comply with the following conditions before receiving funds:

(1) Employ or have under contract such persons as are qualified to engage in the activity to be funded in whole or in part by the State; provided that for nonprofit organizations, no two or more members of a family or kin of the first or second degree shall be employed or under contract by the organization;
(2) Comply with applicable federal and state laws prohibiting discrimination against any person on the basis of race, color, national origin, religion, creed, sex, age, or physical handicap;
(3) Agree not to use public funds for purposes of entertainment or prerequisites; and
(4) Comply with such other requirements as the director may prescribe to ensure adherence by the provider or recipient with federal, state, and county laws.

SECTION 6. Every expenditure of funds under this Act shall be monitored by the appropriate agency to ensure compliance with the qualifying standards and conditions and the public purpose and legislative intent of the Act, and shall be evaluated to determine whether the expenditure attained the intended results in the manner contemplated. The department of health or an agent designated by the department of health shall develop procedures and adopt rules regarding monitoring and evaluating the expenditure of funds under this Act. Chapter 91, Hawaii Revised Statutes, shall not apply to the development of procedures and adoption of these rules.

SECTION 7. The qualifying standards and conditions related to the receipt of funds contained in chapter 42, Hawaii Revised Statutes, shall not apply to funds expended under this Act.

SECTION 8. If any provision of this Act, or the application thereof to any person or circumstance is held by the United States Department of Health and Human Services to jeopardize federal contributions to the State's medicaid reimbursement system, that provision shall be invalid.

SECTION 9. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other

provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 10. The sums appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 11. This Act shall take effect on July 1, 1990, and shall be repealed on June 30, 1992.

(Approved June 26, 1990)

Note

1 Item vetoed and initialed "JW"

ACT 292 H.B. NO. 2208

A Bill for an Act Relating to Alternative Transportation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that alternative energy sources should always be explored to their fullest potential. Experiments with electric vehicles are already under way in Hawaii as a state and federal joint project. The electric vehicle project needs to strengthen its technical staffing capabilities, and the United States Department of Energy requires matching funds in order to provide expanded support.

The purpose of this Act is to appropriate funds to allow the project to continue.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $76,000, or 0.0030 per cent. The reasons for exceeding the general fund expenditure ceiling is that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $76,000, or so much thereof as may be necessary for fiscal year 1990-1991, which shall be deposited in the discoveries and inventions revolving fund, for four nine-passenger electric vehicle G-Vans; provided that no funds shall be made available under this Act unless the United States Department of Energy provides matching funds in the amount of $76,000.

SECTION 4. The sum appropriated shall be expended by the University of Hawaii for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 1990.

(Approved June 26, 1990)

ACT 293 H.B. NO. 3095

A Bill for an Act Relating to Tourism.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the visitor industry brings millions of tourists into the State each year. It has been regarded as the most important sector of Hawaii's economy, providing approximately one-fourth of all civilian jobs in the State and generating millions of dollars in revenue annually. Historically, tourism has not been given the priority it clearly deserves from the government. In light of the State's substantial dependence on tourism, it is extremely important that the government coordinate and plan tourism growth and development in a manner consistent with the economic interests of the State.

The purpose of this Act is to establish an office of tourism, headed by a deputy director of tourism, within the department of business and economic development, which will also be renamed the department of business, economic development, and tourism. The deputy director shall be authorized to contract with the Hawaii visitors bureau and other visitor industry organizations. Responsibility for the establishment of a visitor impact management system and the plan of an integrated and coordinated development of the tourism industry will be the responsibility of the office of tourism. In addition, this Act establishes a tourism marketing council.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $161,000 or 0.0063 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. Chapter 201, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . TOURISM

§201- Definitions. For the purposes of this chapter:

"Agency" means any agency, department, authority, board, commission, the University of Hawaii, or any other unit of the State or its political subdivisions.

"Department" means the department of business, economic development, and tourism.

"Director" means the director of business, economic development, and tourism.

"Deputy director of tourism" means the deputy director of business, economic development, and tourism in charge of the office of tourism.

"Office" means the office of tourism.

"Council" means the Hawaii tourism marketing council.

§201- Office of tourism; deputy director of tourism; staff. (a) There is established an office of tourism within the department of business, economic development, and tourism.

(b) This office shall be headed by a deputy director

§201- Powers and duties of the office. The office shall be responsible for:
(1) Promoting, marketing, and developing the tourism industry in the State,
(2) Developing, coordinating, and implementing long-range state policies and directions for tourism and related activities including the updating of the state tourism functional plan,
(3) Coordinating all agencies and advising the private sector in the development of tourism-related activities and resources,
(4) Arranging for the conduct of research through contractual services with the University of Hawaii or any agency or other qualified persons concerning social, economic, and environmental aspects of tourism development in the State,
(5) Providing technical or other assistance to agencies and private industry upon request,
(6) Establishing a public information and educational program to inform the public of tourism and tourism-related problems,
(7) Encouraging the development of educational, training, and career counseling programs in tourism;
(8) Establishing a program to monitor and investigate complaints about problems resulting directly or indirectly from the tourism industry and taking appropriate action as needed,
(9) Developing and implementing the state tourism marketing plan,
(10) Performing other necessary or desirable functions to facilitate the intent of this chapter, and
(11) Performing other functions required or authorized by law

§201- Hawaii tourism marketing council; establishment; appointment, number, and term of members; duties. (a) There is established within the department, for administrative purposes, an advisory council to be known as the Hawaii tourism marketing council which shall review and make recommendations on matters relating to the state tourism marketing and promotion programs and activities The council shall be composed of nine voting members and four ex-officio nonvoting members The voting members shall be appointed in the manner provided in section 26-34, except as provided otherwise in this section. The president of the Hawaii Visitors Bureau, president of the Hawaii hotel association, president of the Hawaii resort developers' conference, and the deputy director of tourism, or their respective designated representatives, shall serve as ex-officio, nonvoting members

(b) The voting members shall be appointed by the governor for four years, except that the terms of the members first appointed shall be for two and four years, respectively, as designated by the governor at the time of appointment The governor shall designate a voting member to be chairperson of the council. Each voting member shall hold office until the member's successor is appointed and qualified Section 26-34 shall be applicable insofar as it relates to the number of terms and consecutive number of years a member may serve on the council

(c) The voting members on the council shall be comprised of one representative each from the city and county of Honolulu and the counties of Hawaii, Kauai, and Maui, and five at-large members.

(d) In appointing members, the governor shall select persons who have had experience in tourism marketing and promotion, or experience in marketing and promotion in the hotel industry or the airline industry. The members of the

council shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

(e) The council shall meet semi-annually. The council may meet more frequently at the discretion of the deputy director in response to changing market needs.

(f) The council shall annually review, evaluate, and make recommendations to the department on the State's tourism marketing and promotion programs and activities. Copies of the council's findings and recommendations shall be furnished to the governor and legislature. The review and recommendations by the council shall include but not be limited to:

(1) The biennial tourism marketing plan;
(2) Implementation of the biennial tourism marketing plan; and
(3) Inventory and analysis of visitor satisfaction and complaints.

§201- Contract with the Hawaii visitors bureau and other organizations. (a) Any law to the contrary notwithstanding, the office may contract with the Hawaii visitors bureau or any other visitor industry organization to perform tourism promotion, marketing, and development.

(b) The office shall review annually the expenditure of public funds by the Hawaii visitors bureau or any other visitor industry organization and shall make recommendations necessary to ensure the effective use of the funds for the development of tourism. The office shall also prepare annually a report of expenditures, including descriptions and evaluations of programs funded, together with any recommendations the deputy director may make and shall submit the report to the legislature as part of the annual report required under section 201- .

§201- Visitor impact management system. The office shall be responsible for establishing a system to:

(1) Monitor the impact of tourism development and activities on the economic, social, and physical environment of the residents of Hawaii;
(2) Identify those current and emerging conditions that are having or are likely to have negative effects on residents;
(3) Survey and analyze the specific concerns of communities with high tourism impact;
(4) Inform appropriate agencies and private parties of the negative effects;
(5) Advocate policies or solutions on behalf of residents, whenever possible, to ameliorate, avoid, or prevent undesirable effects; and
(6) Bring major tourism impact issues to the attention of appropriate legislative bodies.

The office shall be responsible for preparing an annual report that describes the system's application in the preceding year, including the conditions and negative effects identified, the solutions recommended or pursued by responsible agencies or parties, and the results obtained. The annual report shall be submitted to the legislature as part of the annual report required under section 201- .

§201- Integration and development of the tourism industry. The office shall be responsible for planning for the integrated and coordinated development and expansion of the tourism industry of the State. The office shall investigate and recommend to appropriate governmental officers, agencies, legislative committees, and private groups ways and means of coordinating promotional activities on behalf of tourism with the development of recreational

and other facilities for improved tourism development The office shall also review the expenditure of governmental funds for tourism-related activities and shall prepare an annual report on the expenditures, together with any recommendations the office may have The annual report shall be submitted to the legislature as part of the annual report required under section 201-

§201- **Annual report.** At least twenty days prior to the convening of each regular session, the director shall submit a report to the legislature on the programs and activities conducted by the office in the immediate prior fiscal year

§201- **Rules.** The department shall adopt rules in accordance with chapter 91 for the purposes of this part "

SECTION 4 Section 76-16, Hawaii Revised Statutes, is amended to read as follows

"**§76-16 Civil service and exemptions.** The civil service to which this part applies comprises all positions in the State now existing or hereafter established and embraces all personal services performed for the State, except the following

(1) Commissioned and enlisted personnel of the Hawaii national guard as such, and positions in the Hawaii national guard that are required by state or federal laws or regulations or orders of the national guard to be filled from those commissioned or enlisted personnel,
(2) Positions filled by persons employed by contract where the director of personnel services has certified that the service is special or unique or is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform the service cannot be obtained through normal civil service recruitment procedures Any such contract may be for any period not exceeding one year,
(3) Positions of a temporary nature needed in the public interest where the need for the position does not exceed one year, but before any person may be employed to render the temporary service, the director shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable,
(4) Positions filled by the legislature or by either house or any committee thereof,
(5) Employees in the office of the governor and household employees at Washington Place,
(6) Positions filled by popular vote,
(7) Department heads, officers, and members of any board, commission, or other state agency whose appointments are made by the governor or are required by law to be confirmed by the senate,
(8) Judges, referees, receivers, masters, jurors, jury commissioners, notaries public, land court examiners, court commissioners, and attorneys appointed by a state court for a special temporary service,
(9) One bailiff for the chief justice of the supreme court who shall have the powers and duties of a court officer and bailiff under section 606-14, one secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court, three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court

and each judge of the intermediate appellate court, and one law clerk for each judge of the circuit court and the administrative judge of the district court of the first circuit (provided that the law clerk for a judge of the circuit court shall be employed in lieu of and shall have the powers and duties of a court officer and bailiff under section 606-14); sheriff, first deputy sheriff, and second deputy sheriff; and one private secretary for the administrative director of the courts, the deputy administrative director of the courts, each department head, each deputy or first assistant, and each additional deputy, or assistant deputy, or assistant defined in paragraph (16);

(10) First deputy and deputy attorneys general, the administrative services manager of the department of the attorney general, one secretary for the administrative services manager, an administrator and any support staff for the criminal and juvenile justice resources coordination functions, and law clerks;

(11) Teachers, principals, vice-principals, district superintendents, chief deputy superintendents, other certificated personnel, and not more than twenty noncertificated administrative, professional, and technical personnel not engaged in instructional work in the department of education, the special assistant to the state librarian, one secretary for the special assistant to the state librarian, and members of the faculty of the University of Hawaii, including research workers, extension agents, personnel engaged in instructional work, and administrative, professional, and technical personnel of the university;

(12) Employees engaged in special, research, or demonstration projects approved by the governor;

(13) Positions filled by inmates, kokuas, patients of state institutions, persons with severe physical or mental handicaps participating on the work experience training programs, and students and positions filled through federally funded programs which provide temporary public service employment such as the federal Comprehensive Employment and Training Act of 1973;

(14) A custodian or guide at Iolani Palace, Royal Mausoleum, and Hulihee Palace;

(15) Positions filled by persons employed on a fee, contract, or piecework basis who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State;

(16) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, Article V, of the State Constitution; three additional deputies or assistants either in charge of the highways, harbors, and airports offices[1] or other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor; one additional deputy to administer all hospitals within the jurisdiction of the department of health; one additional deputy in the department of health to administer all environmental health programs within the jurisdiction of the department; one additional deputy in the department of human services either in charge of welfare or other functions within the department as may be assigned by the director of human services; four additional deputies in the

department of health in charge of administration or other functions within the department as may be assigned by the director of health with the approval of the governor, one additional deputy in the department of [business and economic development] business, economic development, and tourism to perform the duties assigned by the director of [business and economic development] business, economic development, and tourism and approved by the governor, one additional deputy in the department of business, economic development, and tourism in charge of the office of tourism and other tourism-related activities as may be assigned by the director of business, economic development and tourism, with the approval of the governor, one additional deputy in the department of budget and finance to perform the duties assigned by the director of finance and approved by the governor, one additional deputy within the department of land and natural resources to perform the duties to be assigned by the chairperson of the board of land and natural resources, one additional deputy in the department of taxation to perform the duties assigned by the director of taxation and approved by the governor, and an administrative assistant to the superintendent of education,

(17) Positions specifically exempted from this part by any other law, provided that all of the positions defined by paragraph (9) shall be included in the position classification plan,

(18) Positions in the state foster grandparent program and positions for temporary employment of senior citizens in occupations in which there is a severe personnel shortage or in special projects,

(19) Household employees at the official residence of the president of the University of Hawaii,

(20) Employees in the department of education engaged in the supervision of students during lunch periods and in the cleaning of classrooms after school hours on a less than half-time basis,

(21) Employees hired under the tenant hire program of the Hawaii housing authority, provided that no more than twenty-six per cent of the authority's work force in any housing project maintained or operated by the authority shall be hired under the tenant hire program,

(22) Positions of the federally funded expanded food and nutrition program of the University of Hawaii which require hiring of nutrition program assistants who live in the areas they serve,

(23) Positions filled by severely handicapped persons who are certified by the state vocational rehabilitation office that they are able to perform safely the duties of the positions, and

(24) One public high school student to be selected by the Hawaii state student council as a nonvoting member on the board of education as authorized by the State Constitution

The director shall determine the applicability of this section to specific positions

Nothing in this section shall be deemed to affect the civil service status of any incumbent as it existed on July 1, 1955."

SECTION 5 Section 203-5, Hawaii Revised Statutes, is amended to read as follows

"[|§203-5|] Biennial tourism marketing plan; procedures for submission and evaluation of proposals; measures of effectiveness; report. (a) The [department of business and economic development] office of tourism shall [develop] be responsible for developing a biennial tourism marketing plan to be submitted with the executive budget request that includes the following:

(1) Identification and evaluation of current and future tourism needs for the different regions of the State;
(2) Goals and objectives in accordance with identified needs;
(3) Statewide promotional efforts and programs including those which may exceed the duration of the biennium;
(4) Target markets; and
(5) Measures of effectiveness for its promotional programs.

(b) The [department] office of tourism shall [establish] be responsible for establishing procedures for the selection and evaluation of statewide tourism promotion projects. The procedures shall include submission of proposals to the [department] office and the council prior to disbursement of any tourism promotion funds, and a final report at the completion of the project to be submitted by the funded entity to the [department] office. All statewide tourism promotion contracts, including the Hawaii Visitors Bureau, shall be subject to this subsection.

(c) In accordance with subsection (a), the [department] office shall [develop] be responsible for developing measures of effectiveness to assess the overall benefits and effectiveness of the marketing plan and include documentation of the directly attributable benefits of the plan to the following:

(1) Hawaii's tourism industry;
(2) Employment in Hawaii;
(3) State taxes; and
(4) The State's lesser known and underutilized destinations.

(d) The [department] office shall submit annual reports regarding the status and execution of the marketing plan and the effectiveness of the promotions to the legislature twenty days prior to the convening of the regular session in each year."

SECTION 6. Section 201-13.5, Hawaii Revised Statutes, is repealed.

SECTION 7. Section 201-13.6, Hawaii Revised Statutes, is repealed.

SECTION 8. Chapters 26, 48, 189, 201, 203, 205, 208, 209, 210, 211, 211E, 213, 227, 228, and 486E, and sections 153-4.5, 164-1, 171-42, 174C-5, 188E-1, 196-1, 201D-1, 201E-3, 206E-3, 206J-4, 206M-2, 206P-3, 206X-3, 209E-2, 212-10, 213E-2, 226-53, 246-12, 279A-4, 279E-2, 307-2, 342N-34, 354-2, 373F-3, 394-9, 420-2, and 445-112, Hawaii Revised Statutes, are amended by replacing every reference to "director of business and economic development" or "director of the department of business and economic development" or like terms with "director of business, economic development, and tourism" and by replacing every reference to "department of business and economic development" or like terms with "department of business, economic development, and tourism", as the context requires.

SECTION 9. All rights, powers, functions, and duties of the tourism branch of the department of business and economic development relating to the promotion, marketing, and development of tourism and the preparation of the comprehensive open space plan are transferred to the office of tourism of the new department of business, economic development, and tourism.

All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act

No officer or employee of the State having tenure shall suffer any loss of salary, seniority prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination, provided that the officer or employee possesses the minimum qualifications for the position to which transferred or appointed, and provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws

An officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation sick leave, or other employee benefits or privileges and without the necessity of examination provided that such officer or employee possesses the minimum qualifications for the position to which transferred or appointed

In the event that an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the officer or employee is eligible under the personnel laws of the State as determined by the director or the governor

SECTION 10 All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the tourism branch of the department of business and economic development relating to the functions transferred to the office of tourism shall be transferred with the functions to which they relate

SECTION 11 There is appropriated out of the general revenues of the State of Hawaii the sum of $161,000, or so much thereof as may be necessary for fiscal year 1990-1991, for establishment and operation of an office of tourism and a Hawaii tourism marketing council and for otherwise accomplishing the purposes of this Act

The sum appropriated shall be expended by the department of business, economic development, and tourism

SECTION 12 Statutory material to be repealed is bracketed New statutory material is underscored [1]

SECTION 13 This Act shall take effect on July 1, 1990

(Approved June 26 1990)

Notes

1 So in original
2 Edited pursuant to HRS §23G 16 5

ACT 294 H.B. NO. 3212

A Bill for an Act Relating to Wages and Hours.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 201E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§201E- Rate of wages for laborers and mechanics.** The corporation shall require an eligible bidder or eligible developer of a housing project developed under this chapter to comply with the requirements of section 104-2 for those laborers and mechanics hired to work on that housing project; provided that this section shall not apply to a housing project developed under this chapter if the entire cost of the project is less than $500,000 and the eligible bidder or eligible developer is a private nonprofit corporation."

SECTION 2. Section 104-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Every contract in excess of $2,000 to which a governmental contracting agency is a party, for construction of any public work, and the specifications for the contract, shall state the minimum wages which shall be paid to the various classes of laborers and mechanics engaged in the performance of the contract on the job site.

For the purposes of this subsection, "party" shall include, but not be limited to, the housing finance and development corporation, eligible bidders, and eligible developers of housing projects developed under chapter 201E; provided that, with respect to a housing project developed under chapter 201E, this subsection shall only apply to the laborers and mechanics working on that particular housing project; provided further that this subsection shall not apply to a housing project developed under chapter 201E if the entire cost of the project is less than $500,000 and the eligible bidder or eligible developer is a private nonprofit corporation."

SECTION 3. New statutory material is underscored.[1]

SECTION 4. This Act shall take effect on July 1, 1990.

(Approved June 26, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 295 H.B. NO. 3256

A Bill for an Act Relating to Physicians and Surgeons.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 453-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Before any applicant shall be eligible for the examination, the applicant shall furnish proof satisfactory to the board that:

(1) The applicant is of demonstrated competence and professional knowledge,

(2) (A) The applicant is a graduate of a medical school or college whose program leading to the M D degree is accredited by the Liaison Committee on Medical Education, and has served a residency of at least one year in a program which has been accredited for the training of resident physicians by the Accreditation Council for Graduate Medical Education, or if outside the United States, in a program which is shown by the applicant to the satisfaction of the board to possess standards substantially the equivalent of those required for such accreditation by the Accreditation Council for Graduate Medical Education, or

(B) The applicant is a graduate of a foreign medical school and has had at least two years of residency in a program accredited by the Accreditation Council for Graduate Medical Education, and.

(i) Holds the national certificate of the Educational Commission for Foreign Medical Graduates, or its successor, or

(ii) Holds the certificate of the Fifth Pathway Program of the American Medical Association,[1]

provided that for a period of two years after the effective date of this Act, the requirements of subsection (b)(2)(B)(i) and (ii) shall not be applicable to any applicant who has had four years of residency in a program accredited by the Accreditation Council for Graduate Medical Education."

SECTION 2 New statutory material is underscored

SECTION 3 This Act shall take effect upon its approval

(Approved June 26 1990)

Note

1 So in original

ACT 296 S B NO 1526

A Bill for an Act Relating to Teachers' Classification

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Section 297-31 1, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows

"(b) Teachers shall be classified as follows

(1) A Class I teacher is any teacher who holds a certificate issued by the department and who does not qualify as a Class II, III, IV, V, [or] VI, or VII teacher as described below

(2) A Class II teacher is any teacher who holds a certificate issued by the department based upon four acceptable years of college education and other requirements as may be established by the department

(3) A Class III teacher is any teacher who holds a certificate issued by the department based upon five acceptable years of college educa-

tion and other requirements as may be established by the department.

(4) A Class IV teacher is any teacher who holds a certificate issued by the department based upon five acceptable years of college education and fifteen additional credits approved by the department and other requirements as may be established by the department.

(5) A Class V teacher is any teacher who holds a certificate issued by the department based upon five acceptable years of college education and thirty additional credits approved by the department and other requirements as may be established by the department.

(6) A Class VI teacher is any teacher who holds a certificate issued by the department based upon five acceptable years of college education and forty-five additional credits approved by the department and other requirements as may be established by the department.

(7) A Class VII teacher is any teacher who holds a certificate issued by the department based upon five acceptable years of college education and sixty-six additional credits approved by the department and other requirements as may be established by the department, or any teacher who holds a certificate issued by the department based upon a doctorate and who teaches subjects in or related to the teacher's major."

SECTION 2. Section 297-33, Hawaii Revised Statutes, is amended to read as follows:

"**§297-33 Teachers salary schedule.** [(a) [Deleted].

(b) [Deleted].

(c) [Deleted].

(d)] (a) The salary schedule hereby established shall apply to all teachers of the department of education effective September 1, 1970, and shall be as follows:

TEACHER'S SALARY SCHEDULE
EFFECTIVE SEPTEMBER 1, 1970

SR	1	2	3	4	5	6	7	8	9	L-1	L-2	L-3	L-4
1	6630	6897	7177	7471	7780	8104	8444	8801	9176	9570	9984	10418	10874
2	6897	7177	7471	7780	8104	8444	8801	9176	9570	9984	10418	10874	11353
3	7177	7471	7780	8104	8444	8801	9176	9570	9984	10418	10874	11353	11856
4	7471	7780	8104	8444	8801	9176	9570	9984	10418	10874	11353	11856	12384
5	7780	8104	8444	8801	9176	9570	9984	10418	10874	11353	11856	12384	12938
6	8104	8444	8801	9176	9570	9984	10418	10874	11353	11856	12384	12938	13520
7	8444	8801	9176	9570	9984	10418	10874	11353	11856	12384	12938	13520	14131
8	8801	9176	9570	9984	10418	10874	11353	11856	12384	12938	13520	14131	14773
9	9176	9570	9984	10418	10874	11353	11856	12384	12938	13520	14131	14773	15447
10													

[(e)] (b) Incumbent teachers who are entitled to an increment or longevity step on September 1, 1970, shall be granted their increment or longevity step on the salary schedule as contained in subsection (a) and shall be assigned to the same salary range and increment step or longevity step in the schedules as set forth in subsection [(d) of this section.] (a) and they shall receive the compensation provided for these increment or longevity steps.

[(f)] (c) All teachers must meet the following requirements:

(1) A teacher must earn at least five credits within a three-year cycle in order to receive increment or longevity step increases in the third year of the three-year cycle
(2) A teacher who fails to meet the requirement set forth above shall not be eligible for any increment or longevity step increases until the teacher earns the credit requirement for the three-year cycle
(3) Any credit earned in excess of any three-year credit requirement may not be carried over beyond such three-year cycle
(4) Credits earned can be in the form of in-service, university, or other credits approved by the department

[(g)] (d) A teacher is required to spend at least one year in Class III before going on to Class IV, at least one year in Class IV before going on to Class V [and], at least one year in Class V before going on to Class VI[ ], and at least one year in Class VI before going on to Class VII

[(h)] (e) In case of promotion from a teaching position to an educational officer, the employee shall receive compensation at the lowest step of the higher grade which exceeds the employee's existing compensation by at least eight per cent if such step exists

[(i)] (f) Effective September 1, 1989, per diem rates for substitute teachers shall be based on the annual salary rate established for appropriate salary range and step on the most current teachers' salary schedule as follows

Class I Substitute Teacher . . Salary Range for Class I Teacher, Entry Step
Class II Substitute Teacher Salary Range for Class II Teacher, Entry Step
Class III Substitute Teacher Salary Range for Class III Teacher, Entry Step

Per diem rates shall be derived from annual rates in accordance with the following formula

$$\text{Per Diem Rate} = \text{Annual Salary Rate} \div 12 \text{ months} \div \text{Average Working Days Per Month}$$

Substitute teachers shall be classified as follows

(1) A Class I substitute teacher is a substitute teacher who holds a certificate issued by the department and who does not qualify as a Class II or Class III substitute teacher, as described below
(2) A Class II substitute teacher is a substitute teacher who holds a certificate issued by the department based on a baccalaureate degree and other requirements as may be established by the department
(3) A Class III substitute teacher is a substitute teacher who holds a certificate issued by the department based on five acceptable years of college education and other requirements as may be established by the department "

SECTION 3 The department shall submit a report on the costs of implementing this Act to the legislature no later than twenty days before the convening of the regular session of 1991

SECTION 4 Statutory material to be repealed is bracketed. New statutory material is underscored

SECTION 5 This Act, except for section 3 which shall take effect upon approval, shall take effect on July 1, 1991

(Approved June 26, 1990)

ACT 297 S.B. NO. 2776

A Bill for an Act Relating to Claims for Overpayment of Taxes.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to afford relief to General Motors dealers in the State who made use tax payments to the State on imported motor vehicles, not realizing that the General Motors Overseas Distribution Corporation, for the period from 1969 to 1978, had made excise tax payments on the same motor vehicles. If the General Motors dealers had known that General Motors Overseas Distribution Corporation had made such excise tax payments, the General Motors dealers would not have incorrectly paid the use taxes.

SECTION 2. The statute of limitations under sections 237-40, 238-7, and 238-13, Hawaii Revised Statutes, is hereby waived by the State for a claim for a credit or refund for the payment of use taxes by any General Motors dealers in the State, if the claim is based on an excise tax payment made by the General Motors Overseas Distribution Corporation for the period from 1969 to 1978; provided that the claim is made before August 1, 1991; and provided further that the sum credited or refunded shall not exceed $2,125,203.90. Any refund due under this Act shall be made without interest and shall be made in a single lump sum.

SECTION 3. This Act shall take effect upon its approval and shall be repealed on December 31, 1993.

(Approved June 26, 1990.)

ACT 298 S.B. NO. 3109

A Bill for an Act Relating to Environmental Statutes.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 342B-7, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) If the director determines that [the] any person has violated an accepted schedule[,] or an order issued under this section, [any rule adopted pursuant to this chapter, any condition of a permit or variance issued pursuant to this chapter, or has continued to violate this chapter,] the director shall impose penalties by sending a notice in writing, either by certified mail or by personal service, to that person, describing such nonadherence or violation with reasonable particularity."

SECTION 2. Section 342D-1, Hawaii Revised Statutes, is amended by deleting the definition "individual wastewater system".

[" "Individual wastewater system" means a facility which disposes of treated or untreated domestic wastewater generated from dwelling units or other sources generating domestic wastewater of similar volume and strength such as: (1) developments of a density not greater than one dwelling unit per 5,000 square feet of ultimate development; (2) developments with buildings other than dwellings but involving the generation of domestic wastewater at a rate of less than

400 gallons per day per 5,000 square feet of ultimate development, or (3) multifamily dwelling units developed and constructed pursuant to section 46-15 1 and chapters 356, 359 and 201E, subject to the approval of the director Individual wastewater systems include, but are not limited to, cesspools, septic tanks, and household aerobic units "]

SECTION 3 Section 342D-9, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows

"(c) If the director determines that [the] any person has violated an accepted schedule[,] or an order issued under this section, [any rule adopted pursuant to this chapter, or any permit or variance issued pursuant to this chapter, or has continued to violate this chapter,] the director shall impose penalties by sending a notice in writing, either by certified mail or by personal service, to that person, describing such nonadherence or violation with reasonable particularity "

SECTION 4 Section 342F-4, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows

"(c) The director shall issue a permit for any term, not exceeding five years, if the director determines that such will be in the public interest, provided that the permit may be subject to such reasonable conditions as the director may prescribe The director, on application, shall renew a permit from time to time for a term not exceeding five years if the director determines that such is in the public interest The director shall not deny an application for the issuance or renewal of a permit without affording the applicant an opportunity for a hearing in accordance with chapter 91

The director, on the director's own motion or the application of any person, may modify, suspend, or revoke any permit if, after affording the permittee an opportunity for a hearing in accordance with chapter 91, the director determines that

(1) There is a violation of any condition of the permit[, or]
(2) The permit was obtained by misrepresentation, or failure to disclose fully all relevant facts[, or]
(3) There is a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted emission, or
(4) Such is in the public interest

[The director shall ensure that the public receive notice of each application for a permit to control water or hazardous waste pollution The director may hold a public hearing before ruling on an application for a permit to control water or hazardous waste pollution if the director determines such public hearing to be in the public interest]

In determining the public interest, the director shall consider the environmental impact of the proposed action, any adverse environmental effects which cannot be avoided should the action be implemented, the alternatives to the proposed action, the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented, and any other factors which the director may by rule prescribe, provided that any determination of public interest shall promote the optimum balance between economic development and environmental quality '

SECTION 5 Section 342F-7, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows

"(c) If the director determines that [the] any person has violated the provisions of an accepted schedule[,] or has violated an order issued under this section, [or has continued to violate this chapter, any rule adopted pursuant to this chapter, or any condition of a permit or variance issued pursuant to this chapter,] the director shall impose penalties by sending a notice in writing, either by certified mail or by personal service, to that person, describing such nonadherence or violation with reasonable particularity."

SECTION 6. Section 342H-1, Hawaii Revised Statutes, is amended by amending the definition of "person" to read:

" "Person" means any individual, partnership, firm, association, public or private corporation, federal agency, the State or any of its political subdivisions, trust, estate, or any other legal entity."

SECTION 7. Section 342H-4, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The director shall issue a permit for any term, not exceeding five years, if the director determines that such will be in the public interest; provided that the permit may be subject to such reasonable conditions as the director may prescribe. The director, on application, shall renew a permit from time to time for a term not exceeding five years if the director determines that such is in the public interest. The director shall not deny an application for the issuance or renewal of a permit without affording the applicant an opportunity for a hearing in accordance with chapter 91.

The director, on the director's own motion or the application of any person, may modify, suspend, or revoke any permit if, after affording the permittee an opportunity for a hearing in accordance with chapter 91, the director determines that:

(1) There is a violation of any condition of the permit[; or]
(2) The permit was obtained by misrepresentation, or failure to disclose fully all relevant facts[; or]
(3) There is a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted disposal; or
(4) Such is in the public interest.

[The director shall ensure that the public receive notice of each application for a permit to control water or hazardous waste pollution. The director may hold a public hearing before ruling on an application for a permit to control water or hazardous waste pollution if the director determines such public hearing to be in the public interest.]

In determining the public interest, the director shall consider the environmental impact of the proposed action, any adverse environmental effects which cannot be avoided should the action be implemented, the alternatives to the proposed action, the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented, and any other factors which the director may by rule prescribe; provided that any determination of public interest shall promote the optimum balance between economic development and environmental quality."

SECTION 8. Section 342H-7, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) If the director determines that [the] any person has violated an accepted schedule[,] or an order issued pursuant to this section, [any rule adopted

pursuant to this chapter, any condition of a permit or variance issued pursuant to this chapter, or has continued to violate this chapter,] the director shall impose penalties by sending a notice in writing, either by certified mail or by personal service, to that person, describing such nonadherence or violation with reasonable particularity "

SECTION 9 Section 342J-2, Hawaii Revised Statutes, is amended by amending the definition of "solid waste" to read

" "Solid waste" means garbage, refuse, and other discarded materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, sludge from waste treatment plants and water supply treatment plants, and residues from air pollution control facilities and community activities, but does not include solid or dissolved material in domestic sewage, irrigation return flows, or industrial discharges which are subject to permit under chapter[ ] 342D "

SECTION 10 Section 342J-7, Hawaii Revised Statutes, is amended by amending subsections (a), (b), and (c) to read as follows

"(a) If the director determines that any person is violating this chapter, any rule adopted pursuant to this chapter, or violating any condition of a permit [or variance] issued pursuant to this chapter, the director

(1) Shall cause written notice to be served upon the alleged violator or violators The notice shall specify the alleged violation and may contain an order specifying a reasonable time during which that person shall be required to take such measures as may be necessary to correct the violation and to give periodic progress reports.
(2) May require that the alleged violator or violators appear before the director for a hearing at a time and place specified in the notice and answer the charges complained of.
(3) May impose penalties as provided in section [342J-10] 342J-9 by sending a notice in writing, either by certified mail or by personal service, to the alleged violator or violators describing such violation

(b) If the director determines that any person is continuing to violate this chapter, any rule adopted pursuant to this chapter, or any condition of a permit [or variance] issued pursuant to this chapter after having been served notice of violation, the director

(1) Shall cause written notice to be served upon the alleged violator or violators The notice shall specify the alleged violation and shall contain an order requiring that person to submit a written schedule within thirty days specifying the measures to be taken and the time within which such measures shall be taken to bring that person into compliance with the provisions of this chapter, the provisions of any rule adopted pursuant to this chapter, or the conditions of any permit [or variance] issued pursuant to this chapter
(2) Shall accept or modify the submitted schedule within thirty days of receipt of such schedule Any schedule not acted upon after thirty days of receipt by the director shall be deemed accepted by the director
(3) Shall issue to the alleged violator or violators a cease and desist order against the activities that violate this chapter, any rule adopted pursuant to this chapter, or any condition of a permit [or variance] issued pursuant to this chapter if that person does not submit a written schedule to the director within thirty days This

order shall remain in effect until such time that the director accepts the written schedule.

(4) May impose penalties as provided in section [342J-10] 342J-9 by sending a notice in writing, either by certified mail or by personal service, to the alleged violator or violators describing such violation.

(c) If the director determines that [the] any person has violated an accepted schedule[,] or an order issued [under] pursuant to this section, [any rule adopted pursuant to this chapter, any condition of a permit or variance issued pursuant to this chapter, or has continued to violate this chapter,] the director shall impose penalties by sending a notice in writing, either by certified mail or by personal service, to that person, describing such nonadherence or violation with reasonable particularity."

SECTION 11. Section 342J-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Any person who violates this chapter, any rule adopted pursuant to this chapter, or any condition of a permit [or variance] issued pursuant to this chapter shall be fined not more than $10,000 for each separate offense. Each day of violation shall constitute a separate offense. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action."

SECTION 12. Section 342J-13, Hawaii Revised Statutes, is amended to read as follows:

"**[]§342J-13[] Fees.** The director may establish reasonable fees for the issuance of permits [and variances] to cover the cost of issuance thereof and for the implementation and enforcement of the terms and conditions of permits [and variances] (not including court costs or other costs associated with any formal enforcement action). The fees shall be deposited to the credit of the general fund."

SECTION 13. Section 342J-36, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) If the director determines that the owner or operator is not able to conduct monitoring, testing, and analysis in a satisfactory manner, the director may dictate the conduct of such activity, the cost of which shall remain the responsibility of the owner or operator."

SECTION 14. Section 342L-8, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) If the director determines that any person has violated an accepted schedule[,] or an order issued [under] pursuant to this section, [any rule adopted pursuant to this chapter, any condition of a permit or variance issued pursuant to this chapter, or has continued to violate this chapter,] the director shall impose penalties by sending a notice in writing, either by certified mail or by personal service, to that person, describing such nonadherence or violation with reasonable particularity."

SECTION 15. Section 342N-4, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The director shall issue a permit for any term, not exceeding five years, if the director determines that such will be in the public interest; provided that the permit may be subject to such reasonable conditions as the director may

prescribe The director, on application, shall renew a permit from time to time for a term not exceeding five years if the director determines that such is in the public interest The director shall not deny an application for the issuance or renewal of a permit without affording the applicant an opportunity for a hearing in accordance with chapter 91

The director, on the director's own motion or the application of any person, may modify, suspend, or revoke any permit if, after affording the permittee an opportunity for a hearing in accordance with chapter 91, the director determines that.

(1) There is a violation of any condition of the permit[, or]
(2) The permit was obtained by misrepresentation, or failure to disclose fully all relevant facts[, or]
(3) There is a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted emission[, or
(4) Such is in the public interest.

[The director shall ensure that the public receive notice of each application for a permit to control water or hazardous waste pollution. The director may hold a public hearing before ruling on an application for a permit to control water or hazardous waste pollution if the director determines such public hearing to be in the public interest]

In determining the public interest, the director shall consider the environmental impact of the proposed action, any adverse environmental effects which cannot be avoided should the action be implemented, the alternatives to the proposed action, the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented and any other factors which the director may by rule prescribe; provided that any determination of public interest shall promote the optimum balance between economic development and environmental quality "

SECTION 16 Section 342N-6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows

"(c) If the director determines that any person has violated an accepted schedule[,] or an order issued under this section, [any rule adopted pursuant to this chapter, any conditions of a permit issued pursuant to this chapter, or has continued to violate this chapter,] the director shall impose penalties by sending a notice in writing, either by certified mail or by personal service, to that person, describing such nonadherence or violation with reasonable particularity."

SECTION 17 Chapter 128D, Hawaii Revised Statutes, is amended by adding ten new sections to be appropriately designated and to read as follows

"**§128D- Civil penalties.** (a) Any person who is liable for a release, or threat of a release, of hazardous substances, or pollutants or contaminants and who fails, without sufficient cause, to properly provide removal or remedial action pursuant to an administrative order issued by the director, may be liable to the department for punitive damages up to three times the amount of any costs incurred by the fund pursuant to this chapter as a result of the failure to perform the actions specified in the order The director is authorized to commence a civil action against any such person to recover the punitive damages, which shall be in addition to any costs recovered from such person pursuant to section 128D-5

(b) In addition to liability for costs incurred by the State for the investigation, assessment, containment, and removal of a release or a threat of a release of hazardous substances or pollutants or contaminants, any person who wilfully violates or fails or refuses to comply with any provision of this chapter, or any order issued, or rule adopted under this chapter, shall be subject to a civil penalty not to exceed $25,000 for each separate violation. Each day a violation continues shall constitute a separate violation. The director is authorized to commence a civil action in the appropriate circuit court to recover such damages.

(c) Any rule issued pursuant to this chapter shall be adopted in accordance with chapter 91.

(d) Civil penalties collected under this chapter shall be paid to the department for deposit into the revolving fund and may be recovered in a civil action in a court of competent jurisdiction where the violation is alleged to have occurred.

(e) In determining the amount of any civil penalty assessed pursuant to this section, the court shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit of savings (if any) resulting from the violation, and such other matters as justice may require. The director may compromise and settle any claim for a penalty pursuant to this chapter.

§128D- Injunctive relief. The director may institute a civil action in any court of competent jurisdiction for injunctive relief to prevent any violation of this chapter, of any rule adopted pursuant to this chapter, or of any order issued pursuant to this chapter. The court shall grant relief in accordance with the Hawaii rules of civil procedure.

§128D- Knowing releases. Any person who knowingly releases a hazardous substance into the environment shall be punished by a fine of not less than $5,000 but not more than $50,000 per day of violation, or by imprisonment for not more than three years, or both. If a conviction of a person is for a violation committed after a first conviction of the person under this section, the punishment shall be a fine not less than $10,000 but not more than $100,000 per day of violation, or imprisonment of not more than six years or both.

§128D- Record keeping requirements. No person shall, with intent to avoid, evade, prevent, or obstruct compliance in whole or in part with any investigative action or request made under this chapter, or any enforcement action taken under this chapter, remove from any place, conceal, withhold, destroy, mutilate, alter, or by any other means falsify any record, report, or information that is relevant to any investigative action or request under section 128D-4(a) and (b).

§128D- Confidentiality of information. (a) Any record, report, or information obtained from any persons under section 128D-4(a) and (b) shall be available to the public, except as provided in subsection (b).

(b) Upon a showing satisfactory to the department that public disclosure of records, reports, or information, or a particular part thereof, obtained by the department, its personnel or contractors pursuant to this chapter, would divulge commercial or financial information entitled to protection under state or federal law, the department shall consider such information to be confidential and not a public record open to disclosure.

(c) No confidential information, obtained pursuant to this chapter by any official or employee of the department within the scope and cause of this official's or employee's employment in the prevention, control, or cleanup of releases of hazardous substances or pollutants or contaminants into the environment, shall be disclosed by the official or employee with the following exception the document or information may be disclosed to officers, employees, or authorized representatives of the State or of the United States, including local government entities, who have been charged with carrying out this chapter, including a cost recovery or an enforcement action, or to comply with any state law, CERCLA, or the Clean Water Act, or when relevant in any proceeding under this chapter Persons receiving information pursuant to this paragraph shall maintain the confidentiality of the information which is provided in this section to the maximum extent allowed by law

§128D- **Reporting requirements.** The department shall submit to the legislature an annual report, including a comprehensive budget to implement remedial action plans requiring funding by the environmental response revolving fund This report shall identify those sites eligible for remedial action under CERCLA, including a statement as to any appropriation that may be necessary to pay the State's share of the plan

§128D- **Public participation.** Public participation activities may be implemented by the department and required of responsible parties, in accordance with the state contingency plan, or any other state rule

§128D- **Employee protection.** No person shall terminate from employment or in any other way discriminate against, or cause to be eliminated from employment or discriminated against, any person on the grounds that the person has provided information to the State, filed, instituted, or caused to be filed or instituted any proceeding under this chapter, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of this chapter

§128D- **Removal and remedial orders.** (a) In addition to any other orders the director may issue, the director, upon determining that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance, pollutant, or contaminant, may issue without a hearing, such orders as may be necessary to protect the public health and welfare and the environment

(b) Any person who, without sufficient cause, knowingly or recklessly violates, or fails or refuses to comply with any order of the director under this section, in any action brought in circuit court to enforce the order, may be fined not more than $25,000 for each day in which the violation occurs or such failure to comply continues

(c) Any person who receives and complies with the terms of any order issued under this section, within sixty days after completion of the required order, may petition the director for reimbursement from the fund for the reasonable costs of the action, including interest.

(d) Within sixty days of receipt of the petition, the director shall schedule a contested case hearing in compliance with chapter 91, and, within thirty days of the completion of the hearing, grant in whole or in part, or deny the petition. The petitioner, pursuant to section 91-14, may seek judicial review of any partial or complete denial of the petition.

(e) In the contested case hearing, in order to obtain reimbursement, the petitioner shall establish by a preponderance of the evidence that the petitioner is not liable for response costs under this chapter and that the costs for which it seeks reimbursement are reasonable in light of the action required by the order.

(f) A petitioner who is liable for response costs under this chapter may recover the petitioner's reasonable costs of response from the fund to the extent that it can demonstrate, on the administrative record, that the director's decision in selecting the response action ordered was arbitrary and capricious or was otherwise not in accordance with the law. Reimbursement awarded under this paragraph shall include all reasonable response costs incurred by the petitioner pursuant to the portions of the order found to be arbitrary and capricious or not otherwise in accordance with the law.

(g) Reimbursement awarded by a court under subsections (e) and (f) may include appropriate costs, fees, and other expenses.

§128D- Judicial review. (a) No court shall have jurisdiction to review any challenges to removal or remedial actions selected, or to renew any order issued under this chapter, except as follows:

(1) Any action under section 128D-5 to recover response costs or damages or for contribution;

(2) Any action to enforce an order issued under section 128D-4(a)(1);

(3) Any action for reimbursement under section 128D- (d); and

(4) Any action under section 128D- , in which the State has moved to complete a remedial action.

(b) In any judicial action under this chapter, judicial review of any issues concerning the adequacy of any response action taken or ordered by the director shall be limited to the administrative record. In those cases arising under subsection (a)(1), (a)(2), and (a)(4), the director shall establish an administrative record, as the director deems appropriate. In those cases arising under subsection (a)(1), (a)(2), and (a)(4), otherwise applicable principles of administrative law shall govern whether any supplemental materials may be considered by the court. In cases arising under subsection (a)(3), chapter 91 shall govern.

(c) In considering objections raised in judicial action under this chapter, the court shall uphold the director's decision in selecting the response action unless the objecting party can demonstrate, on the administrative record, that the decision was arbitrary and capricious or otherwise not in accordance with the law.

(d) If the court finds that the selection of the response actions was arbitrary and capricious or otherwise not in accordance with the law, the court shall award:

(1) Only the response cost or damages that are not inconsistent with the state contingency plan; and

(2) Such other relief as is consistent with the state contingency plan.

(e) In reviewing alleged procedural errors, the court may disallow costs or damages only if the errors were so serious and related to matters of such central relevance to the action that the action would have been significantly changed had the errors not been committed."

SECTION 18. Chapter 128D, Hawaii Revised Statutes, is amended to read as follows:

"[]CHAPTER 128D[]
ENVIRONMENTAL [EMERGENCY] RESPONSE LAW

[]§128D-1[] Definitions. As used in this chapter, unless the context otherwise requires

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, P L 96-510 (42 U S C §§9601-9675), as amended

"Clean Water Act" means the Federal Water Pollution Control Act of 1972, P L 92-500 (33 U S C §§1251-1387), as amended

"Department" means the department of health

' Director' means the director of health

"Environment' means any waters, including surface water, ground water, or drinking water supply, any land surface or any subsurface strata, or any ambient air within the State of Hawaii or under the jurisdiction of the State

"Facility" means any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or any site or area where a hazardous substance or pollutant or contaminant has been deposited, stored, disposed of, or placed, or otherwise comes to be located, but does not include any consumer product in consumer use

'Fund" means the environmental [emergency] response revolving fund

"Hazardous substance" means any substance or mixture of substances, including but not limited to feedstock materials, products, or wastes, which, because of their quantity, concentration or physical, chemical, or infectious characteristics, may

(1) Cause or significantly contribute to an increase in serious irreversible or incapacitating reversible illness or

(2) Pose a substantial present or potential hazard to human health, to property, or to the environment when improperly stored, transported, released, or otherwise managed

Hazardous substance as defined in this section means any substance designated pursuant to section 311(b)(2)(A) of the Clean Water Act, any element, compound, mixture, solution, or substance designated pursuant to section 102 of CERCLA, any hazardous waste having the characteristics identified under or listed pursuant to §3001 of the Resource Conservation and Recovery Act, any toxic pollutant listed under section 307(a) of the Clean Water Act, any hazardous air pollutant listed under section 112 of the Clean Air Act, as amended (42 U S C §§7401-7626), any imminently hazardous chemical substance or mixture regulated under section 7 of the Toxic Substances Control Act, as amended (15 U S C §§2601-2671), and any other substance or pollutant or contaminant designated by rules adopted pursuant to this chapter

"National contingency plan ' means the national contingency plan published under section 311(c) of the Clean Water Act or revised pursuant to section 105 of CERCLA

"Natural resources means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976, as amended, 16 U S C §§1801-1882), the State of Hawaii or any county

"Owner" or "operator" means (1) in the case of a vessel, any person owning, operating, or chartering by demise the vessel, (2) in the case of an onshore facility or an offshore facility, any person owning or operating the facility, and (3) in the case of any facility, title or control of which was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of a state or local government, any person who owned, operated, or otherwise controlled activities at the facility immediately beforehand. "Owner" or "operator" does not include a person or financial institution who holds or held a lien, encumbrance, security interest, or loan agreement that attaches or is attached to the facility, vessel, or real property; provided that the person or financial institution makes or made no decision or takes or took no action that causes or caused or contributes or contributed to a release or threatened release of a hazardous substance from or at a facility, vessel, or real property.

"Pollutant or contaminant" means any element, substance, compound, or mixture, including disease-causing agents, which, after release into the environment which is:

(1) Designated under any list promulgated under the Federal Insecticide, Fungicide, and Rodenticide Act, the Comprehensive Environmental Response Compensation and Liability Act, Safe Drinking Water Act, Energy Research and Development Act, the Atomic Energy Act, the Occupational Safety and Health Act, the Toxic Substances Control Act, the Clean Water Act, federal Water Pollution Control Act, the Resource Conservation and Recovery Act, or the Clear Air Act; or

(2) Listed by the National Toxicology Program, the International Agency for Research on Cancer, or the Chemical Abstracts Service Registry; or

(3) Any substance that the director determines, based upon empirical evidence or existing scientific or documented toxicological studies to cause an imminent and substantial endangerment.

Any substance not classifiable under paragraphs (1) and (2) may be designated a pollutant or contaminant by the director under rules adopted pursuant to chapter 91. The term does not include any pollutants or contaminants for which there are environmental permits or enforcement actions issued by the department under chapter 342D.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of any hazardous substance or pollutant or contaminant into the environment[;], including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant; but does not include any of the following:

(1) Any release which results in exposure of persons solely within a workplace, with respect to a claim which such exposed persons may assert against their employer;

(2) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, [or] vessel[; or], or pipeline pumping station engine;

(3) Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. §2011), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under 42 U.S.C. §2210[.];

(4) Any release resulting from the normal application of fertilizer;

(5) Any release resulting from the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act, or

(6) Releases from sewerage systems collecting and conducting primarily domestic wastewater

"Remedy" or "remedial action" means those actions consistent with permanent correction taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance or pollutant or contaminant into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare [of] or the environment.

(1) The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances or pollutants or contaminants or associated contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect the public health [and] or welfare [and] or the environment

(2) The term includes the costs of permanent relocation of residents and businesses and community facilities where the director determines that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances[,] or pollutants or contaminants, or may otherwise be necessary to protect the public health or welfare[ ] or the environment

(3) The term does not include the offsite transport of hazardous substances[,] or pollutants or contaminants, or the storage, treatment, destruction, or secure disposition offsite of such hazardous substances or pollutants or contaminants or contaminated materials unless the director determines that such actions are more cost-effective than other remedial actions, will create new capacity to manage hazardous substances in addition to those located at the affected facility; or are necessary to protect public health or welfare [of] or the environment from a present or potential risk which may be created by further exposure to the continued presence of such hazardous substances [or materials] or pollutants or contaminants.

"Remove" or "removal action" means the cleanup of released hazardous substances or pollutants or contaminants from the environment, such actions as may be necessary to take in the event of the threat of release of hazardous substances or pollutants or contaminants into the environment, such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances[,] or pollutants or contaminants, the disposal of removed material, or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, and any emergency assistance

"Respond" or "response" means remove, removal, remedy, or remedial action; and all such terms include government enforcement activities related thereto.

"SARA" means the Superfund Amendments and Reauthorization Act of 1986, P.L. 99-499.

"Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

[]§128D-2[] Environmental [emergency] response revolving fund. (a) There is created an environmental [emergency] response revolving fund within the department which shall consist of moneys appropriated to the fund by the legislature, moneys paid to the fund as a result of departmental compliance proceedings, moneys paid to the fund pursuant to court-ordered awards or judgments, moneys paid to the fund in court-approved or out-of-court settlements, all interest attributable to investment of money deposited in the fund, and moneys allotted to the fund from other sources.

(b) Moneys from the fund shall be expended by the department for emergency response actions, including removal and remedial actions, consistent with this chapter.

[]§128D-3[] Reportable quantities, duty to report. (a) The director shall adopt rules pursuant to chapter 91 designating as hazardous substances such elements, compounds, mixtures, solutions, substances, and wastes which, when released into the environment, may present substantial danger to the public or the environment, and shall adopt rules establishing the quantities of such hazardous substances which, when released, shall be reported pursuant to this chapter. The director, [as] at a minimum, shall adopt hazardous substances and reportable quantities as designated by the United States Environmental Protection Agency pursuant to parts 117 and 302 of Title 40 of the Code of Federal Regulations, and by the United States Department of Transportation pursuant to parts 171 and 172 of Title 49 of the Code of Federal Regulations. The designated quantity released of any hazardous substance shall be a reportable quantity, regardless of the medium into which the hazardous substance is released.

(b) Any person in charge of a vessel or an offshore or onshore facility shall immediately notify the department as soon as the person has any knowledge of any release of a hazardous substance from the vessel or facility in quantities equal to or greater than those determined pursuant to section 102 of CERCLA or rules adopted pursuant to this chapter. Federal or state permitted releases or releases which occurred prior to July 1, 1990, are excluded from this requirement. Unless the director requires otherwise by rule, the regulations adopted under section 103(b) of CERCLA shall apply to the implementation of this section.

[(b)] (c) Any person who fails to report a hazardous substance release to the department [within twenty-four hours of] immediately upon knowledge of the release shall be subject to a fine in an amount not to exceed $10,000 for each day of failure to report[.] or imprisoned for not more than three years or for not more than five years in the case of second or subsequent convictions, or both. Notification received pursuant to this section or information obtained by the exploitation of this notification shall not be used against any person in any criminal case, except a prosecution for perjury or for giving a false statement.

[]§128D-4[] Response authorities; uses of fund. (a) Whenever [the director determines that there may be an imminent or substantial endangerment to the

public health or welfare or to the environment, because of a release or a threatened release of a hazardous substance, the] any hazardous substance is released or there is a substantial threat of a release into the environment or there is a release of any pollutant or contaminant that may present an imminent and substantial danger to the public health, welfare, or the environment the director is authorized to act, consistent with the state contingency plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant at any time, including its removal from any contaminated natural resources, or take any other response measure consistent with the state contingency plan which the director deems necessary to protect the public health or welfare or the environment. The director may.

(1) Issue an administrative order [to any] or conduct any other enforcement or compliance activities necessary to compel any known responsible party or parties to take appropriate removal or remedial action necessary to protect the public health and safety and the environment,

(2) Solicit the cooperation of responsible parties prior to issuing an order to encourage voluntary cleanup efforts; and, if necessary, negotiate enforcement agreements with responsible parties to conduct needed response actions according to deadlines established in compliance orders or settlement agreements;

[(2)] (3) Undertake those investigations, monitoring, surveys, testing, sampling, and other information gathering necessary to identify the existence, source, nature, and extent of the hazardous substances or pollutants or contaminants involved and the extent of danger to the public health or welfare or to the environment,

[(3)] (4) Perform any necessary removal or remedial actions so as to abate any immediate danger to the public [and] health or welfare or to the environment, and

[(4)] (5) Contract the services of appropriate organizations to perform the actions set forth in paragraphs (1), (2) [and], (3)[.], and (4)

(b) For the purposes of determining or investigating an actual release or a suspected release, or choosing or taking any response action, or conducting any study, or enforcing this chapter, any person who has or may have information relevant to any of the following, upon the request of any duly authorized representative of the department shall furnish information or documents in the person's possession relating to such matter:

(1) The identification, nature, and quantity of hazardous substances or pollutants or contaminants which have been or are generated, treated, or store[1] or disposed of at a facility or vessel or transported to a facility or vessel

(2) The nature and extent of a release or threatened release of a hazardous substance or pollutant or contaminant from a facility or vessel

(3) Information relating to the ability of a person to pay for or perform the cleanup

In addition, upon reasonable notice, such person shall grant any such authorized representative of the department access at all reasonable times to any facility, vessel, establishment, site, place, property, or location to inspect same and to review and copy all documents or records relating to such matters or shall copy and furnish the officer, employee, or representative of the department all such documents or records, at the option and expense of such person.

[(b)] (c) Moneys in the fund may be expended by the director for any of the following purposes

(1) Payment of all costs of removal or remedial actions incurred by the State or the counties in response to a release or threatened release of a hazardous substance; or

(2) Payment for the State's share of a removal or remedial action pursuant to section 104(c)(3) of [the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9604(c)(3)).] CERCLA.

[(c)] (d) No response actions taken pursuant to this chapter by the department shall duplicate federal response actions.

[|§128D-5|] Recovery of costs. (a) Any costs incurred and payable from the fund shall be recovered by the attorney general, upon the request of the department, from the liable person or persons. The amount of any costs which may be recovered pursuant to this section for a remedial or removal action paid from the fund shall include the amount paid from the fund and legal interest.

(b) Moneys recovered by the attorney general pursuant to this section shall be deposited into the account of the fund.

(c) Any action for recovery of response costs referred to in section 128D-6(a)(4)(A) and (C) must be commenced within six years after the date of completion of all response actions.

(d) Any action for recovery of natural resource damages referred to in section 128D-6(a)(4)(B) must be commenced within three years after the later of the following: (1) the date of the discovery of the loss and its connection with the release in question; or (2) the date on which the final regulations are promulgated under section 301(c) of CERCLA.

[|§128D-6|] Liability. (a) Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection [(b):] (c):

(1) The owner or operator or both of a facility;

(2) Any person who at the time of disposal of any hazardous substance or pollutants or contaminants owned or operated any facility at which such hazardous substances or pollutants or contaminants were disposed of;

(3) Any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances or pollutants or contaminants owned or possessed by such person, by any other party or entity, at any facility or on any vessel owned or operated by another party or entity and containing such hazardous substances[;] or pollutants or contaminants; and

(4) Any person who accepts or accepted any hazardous substances or pollutants or contaminants for transport to disposal or treatment facilities or sites selected by such person, from which there is a release, or a threatened release, which causes the incurrence of response costs [of] to a hazardous substance[;] or pollutant or contaminant;

shall be strictly liable for (A) all costs of removal or remedial [action] actions incurred by the State[,]; any other necessary costs of response incurred by any other person consistent with this chapter, [and] the state contingency plan, or any other state rules; (B) damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such release[.]; and (C) the costs of any health assessment or health effects study carried out consistent with this chapter, the state contingency plan, or any other state rules.

(b) The amounts recoverable in an action under this section shall include interest on the amounts recoverable under subparagraphs (A) through (C). Such interest shall accrue from the later of (1) the date payment of a specified amount is demanded in writing, or (2) the date of the expenditure concerned. The rate of interest on the outstanding unpaid balance of the amounts recoverable under this section shall be the same rate as is specified for interest on investments of the State's fund

[(b)] (c) There shall be no liability under subsection (a) for a defendant otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of a hazardous substance or pollutant or contaminant and the damages resulting therefrom were caused solely by

(1) Any unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effect of which could not have been prevented or avoided by the exercise of due care or foresight;

(2) An act of war;

(3) An act or omission of a third party other than an employee or agent of the defendant, or than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant, if the defendant establishes by a preponderance of the evidence that due care was exercised with respect to the hazardous substance or pollutant or contaminant concerned, taking into consideration the characteristics of such hazardous substance[,] or pollutant or contaminant, in light of all relevant facts and circumstances, and precautions were taken against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions, or

(4) Any combination of the foregoing paragraphs.

[(c)] (d) No person shall be liable under this chapter or otherwise under the laws of the State or any of the counties, including the common law to any government or private parties for costs, damages, or penalties as a result of actions taken or omitted in the course of rendering care, assistance, or advice in accordance with this chapter or at the direction of an on-scene coordinator, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release of a hazardous substance or pollutant or contaminant or the threat thereof This subsection shall not preclude liability for costs, damages, or penalties as the result of gross negligence or intentional misconduct on the part of such person.

(e) No county or local government shall be liable under this chapter for costs or damages as a result of actions taken in response to an emergency created by the release or threatened release of a hazardous substance or pollutant or contaminant generated by or from a facility owned by another person. This subsection shall not preclude liability for costs or damages as a result of gross negligence or intentional misconduct by the county or local government.

[(d)] (f) No indemnification, hold harmless, or similar agreement or conveyances shall be effective to transfer from the owner or operator of any vessel or facility or from any person who may be liable for a release or threat of release under this section, to any other person, the liability imposed under this section. Nothing in this subsection shall bar any agreement to insure, hold harmless, or indemnify a party to such agreement for any liability under this section Nothing in this chapter shall bar a cause of action that an owner or operator or any other person subject to liability under this section, or a

guarantor, has or would have, by reason of subrogation or otherwise against any person.

[(e) Any person who is liable for a release, or threat of a release, of hazardous substances and who fails, without sufficient cause, as determined by the director, to properly provide removal or remedial action pursuant to an administrative order issued by the director, shall be liable to the department for punitive damages[1] up to three times the amount of any costs incurred by the fund pursuant to this chapter as a result of the failure to perform the actions specified in the order.]

(g) In the case of an injury to, destruction of, or loss of natural resources under section 128D-6(a)(4)(B), liability shall be solely to the State for natural resources within the State or belonging to, managed by, controlled by, or appertaining to the State. The natural resource trustee for the State shall act on behalf of the public as trustee of such natural resources to recover for such damages. Sums recovered by the natural resource trustee under section 128D-6(a)(4)(B) shall be available for use only to restore, replace, or acquire the equivalent of such natural resources by the State. The measure of damages in any action under section 128D-6(a)(4)(B) shall not be limited by the sums which can be used to restore or replace such resources. Any damages recovered by the state attorney general for damages to natural resources shall be deposited in the fund and credited to a special account for the purposes provided above.

(h) Provided that no liability shall be imposed under this chapter, where the party sought to be charged has demonstrated that the damages to natural resources complained of were specifically identified as an irreversible and irretrievable commitment of natural resources in an environmental impact statement, or other comparable environment analysis, and the decision to grant a permit or license authorizes such commitment of natural resources, and the facility or project was otherwise operating within the terms of its permit or license. There shall be no double recovery under this chapter for natural resource damages, including the costs of damage assessment or restoration, rehabilitation, or acquisition for the same release and natural resources. Notwithstanding any other provision of this chapter, there shall be no recovery under this chapter for natural resource damages where such damages and the release of a hazardous substance from which such damages resulted have occurred wholly before July 1, 1990.

(i) No person other than a government entity may recover costs or damages under this chapter arising from a release which occurred before July 1, 1990.

[|§128D-7|| State contingency plan|.]; rules. (a) The department shall adopt, by rules, and from time to time update a Hawaii state contingency plan which, as nearly as the department deems appropriate and practicable, shall comport with and complement the National Contingency Plan prepared under the authority of the Clean Water Act and CERCLA. The state contingency plan shall include methods and criteria for evaluating the degree of hazard present at a site with releases of hazardous substances or pollutants or contaminants, including whether the site poses an imminent or substantial hazard, whether it is a priority site, and whether response actions are feasible and effective. In preparing the plan, the department shall consider and take into account regionally and locally developed contingency plans.

[(a)] (b) The department shall adopt, by rules, the criteria for the selection and for the priority ranking of sites pursuant to subsection [(b)] (c) for removal and remedial action under this chapter, and shall adopt criteria for the ranking of sites in order of priority. The criteria shall take into account the pertinent

factors relating to the public health and the environment, which shall include but are not limited to potential hazards to public health and the environment, the risk of fire or explosion toxic hazards the extent to which the deferral of remedial action will result or is likely to result in a rapid increase in cost or in a hazard to human health and the environment The criteria may include a minimum hazard threshold below which sites shall not be listed pursuant to this section

[(b)] (c) The department shall publish and revise at least annually a listing of the sites subject to this chapter The sites shall be categorized and placed on one of the following lists

(1) A list of the [hazardous substance release] sites with releases of hazardous substances or pollutants or contaminants for which the department has identified a responsible party, and the responsible party is in compliance, as determined by the department with an order issued or an enforceable agreement entered into

(2) A list of the [hazardous substance release] sites with releases of hazardous substances or pollutants or contaminants for which all of the following apply

(A) The department has not been able to identify a responsible party or the responsible party is not in compliance as determined by the department with an order issued or an enforceable agreement entered into

(B) The nature and extent of the [hazardous substance] release of hazardous substances or pollutants or contaminants at the site [has] have not been adequately characterized by the responsible party or the department

[(c)] (d) Funds appropriated to the department for [removal action] response actions shall be expended in conformance with the priority ranking of sites as established on the list of sites specified in subsection [(b),] (c), except that funds appropriated for removal action may be expended without conforming to the priority ranking if any of the following apply

(1) The funds are necessary to monitor removal actions conducted by private parties at sites listed pursuant to subsection [(b)(1),] (c)(1),

(2) State funds are necessary for the State s share of a removal or remedial action pursuant to section 104(c)(3) of [the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U S C §9604(c)(3))] CERCLA,

(3) The funds are used to assess, evaluate and characterize the nature and extent of a [hazardous substance release on] release of hazardous substances or pollutants or contaminants at sites listed pursuant to this section or

(4) The director determines that immediate removal action at a facility or site is necessary because there may be an imminent and substantial endangerment to the public health or welfare or the environment

(e) The department may adopt such rules, as it deems necessary for the implementation, administration, and enforcement of this chapter, CERCLA, the Clean Water Act, and other pertinent laws

SECTION 19 Statutory material to be repealed is bracketed New statutory material is underscored ?

SECTION 20. This Act shall take effect upon its approval.

(Approved June 26, 1990.)

Notes

1. So in original.
2. Edited pursuant to HRS 23G-16.5.

ACT 299 H.B. NO. 2500

A Bill for an Act Relating to the State Budget.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act shall be known and may be cited as the Supplemental Appropriations Act of 1990.

SECTION 2. This Act amends Act 316, Session Laws of Hawaii 1989, and other acts making appropriations and authorizations.

SECTION 3. Part I, Act 316 Session Laws of Hawaii 1989, is amended:

(1) By amending Section 2 to read:

"Section 2. In accordance with Article VII, Section 9, of of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by $381,967,601, or 16.3 per cent, and for fiscal year 1990-1991 to be exceeded by $156,730,902, or 6.1 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act."

(2) By amending Section 3(b) to read:

"(b) "Expending agency" means the executive department, independent commission, bureau, office, board, or other establishment of the state government (other than the legislature, Office of Hawaiian Affairs, and judiciary), the political subdivisions of the State, or any quasi-public institution supported in whole or in part by state funds, which is authorized to expend specified appropriations made by this Act. Abbreviations, where used to denote the expending agency shall mean the following:

AGR	Department of Agriculture
AGS	Department of Accounting and General Services
ATG	Department of the Attorney General
BED	Department of Business and Economic Development
BUF	Department of Budget and Finance
CCA	Department of Commerce and Consumer Affairs
DEF	Department of Defense
DOC	Department of Corrections
EDN	Department of Education
GOV	Office of the Governor

HHL	Department of Hawaiian Home Lands
HMS	Department of Human Services
HTH	Department of Health
LBR	Department of Labor and Industrial Relations
LNR	Department of Land and Natural Resources
LTG	Office of Lieutenant Governor
PBS	Department of Public Safety
PER	Department of Personnel Services
SUB	Subsidies
TAX	Department of Taxation
TRN	Department of Transportation
UOH	University of Hawaii
CCH	City and County of Honolulu
COH	County of Hawaii
COK	County of Kauai
COM	County of Maui"

(3) By adding a new section to read

"SECTION 3F The Program ID as used in Act 316, Session Laws of Hawaii 1989, if not specifically amended in this Act is changed

From		To	
BED 223	Broadened Homesite Ownership	BUF 223	Broadened Homesite Ownership
BED 225	Private Housing Development and Ownership	BUF 225	Private Housing Development and Ownership
BED 227	Housing Finance Program	BUF 227	Housing Finance Program
BED 229	Housing Finance and Development Administration	BUF 229	Housing Finance and Development Administration

unless the director of the department of budget and finance or the governor determines otherwise "

SECTION 4 The appropriations and authorizations, or the expending agency, as the case may be, set forth opposite the cost catagories in Part II, Section 4 of Act 316, Session Laws of Hawaii 1989, for the following programs are amended

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
A ECONOMIC DEVELOPMENT							
1	BED102	- COMMERCE AND INDUSTRY					
				39.00*		44.00*	
		OPERATING	BED	15,414,353	A	21,366,150	A
			BED	3,900,000	W	4,500,000	W
		INVESTMENT CAPITAL	AGS			3,843,000	A
			BED	3,081,000	A	425,000	A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
			BED			500,000C	
2.	BED113	- STATE TOURISM OFFICE					
				5.00*		5.00*	
	OPERATING		BED	21,093,510A		20,722,664A	
			BED	1,600,000R		1,700,000R	
			BED	100,000X		100,000X	
3.	BED107	- FOREIGN TRADE					
				26.00*		26.00*	
	OPERATING		BED	1,479,519B		1,530,252B	
4.	AGR101	- FINANCIAL ASSISTANCE FOR AGRICULTURE					
				15.00*		15.00*	
	OPERATING		AGR	798,864B		815,261B	
			AGR	2,326,000W		2,326,000W	
5.	AGR103	- PRICE & PRODUCTION CONTROLS FOR DAIRY PRDTS					
				6.00*		6.00*	
	OPERATING		AGR	324,009A		320,575A	
6.	AGR121	- PLANT QUARANTINE					
				66.38*		66.38*	
	OPERATING		AGR	1,975,734A		1,912,794A	
	INVESTMENT CAPITAL		AGS	492,000A			
7.	AGR122	- PLANT PEST CONTROL					
				32.62*		32.62*	
	OPERATING		AGR	2,046,779A		1,810,106A	
8.	AGR131	- ANIMAL QUARANTINE					
				43.00*		63.00*	
	OPERATING		AGR	1,649,737A		2,133,258A	
			AGR	93,925U		93,925U	
9.	AGR132	- ANIMAL DISEASE CONTROL					
				23.50*		23.50*	
	OPERATING		AGR	1,134,663A		1,001,229A	
			AGR	46,624T		49,048T	
10.	LNR172	- FORESTRY - PRODUCTS DEVELOPMENT					
				24.00*		24.00*	
	OPERATING		LNR	814,101A		825,519A	
			LNR	98,600N		106,250N	
	INVESTMENT CAPITAL		LNR			95,000C	
11.	AGR151	- DISTRIBUTION SYSTEMS IMPROVEMENT FOR AGR					
				40.00*		41.00*	
	OPERATING		AGR	2,516,414A		2,717,885A	
			AGR	419,519B		445,039B	
			AGR	9,272N		8,010N	
	INVESTMENT CAPITAL		AGR	1,008,000A			
12.	AGR189	- DATA COLLECTION FOR AGR					
				12.00*		12.00*	

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	MOF	APPROPRIATIONS FISCAL YEAR 1990-91	MOF
	OPERATING		AGR	485,486	A	483 654	A
13	AGR192	- GENERAL ADMINISTRATION FOR AGR					
				40 00*		40 00*	
	OPERATING		AGR	1,569,141	A	1,871,578	A
	INVESTMENT CAPITAL		AGR	7,000,000	A		
			AGR	250,000	C	500,000	C
14	AGR102	- FINANCIAL ASSISTANCE FOR AQUACULTURE					
	OPERATING		AGR	80,000	W	80,000	W
15	LNR153	- COMMERCIAL FISHERY AND AQUACULTURE					
				21 00*		21 00*	
	OPERATING		LNR	2,076,084	A	2,082,506	A
			LNR	130,104	N	130,500	N
	INVESTMENT CAPITAL		LNR	500,000	A		
16	BED120	- ENERGY DEVELOPMENT AND MANAGEMENT					
				10 00*		10 00*	
	OPERATING		BED	2,411,723	A	1,947,877	A
			BED	603,621	B	633,917	B
			BED	165,608	N	174,116	N
	INVESTMENT CAPITAL		AGS	2,601,000	A		
			AGS			3,000,000	C
			BED	7,850,000	A	2 250,000	A
			BED	850,000	C		
17	AGR141	- AGRICULTURAL WATER DEV & IRRIG SERVICES					
				17 00*		17 00*	
	OPERATING		AGR	532 256	A	537,840	A
			AGR	267,609	B	285,146	B
	INVESTMENT CAPITAL		AGR			350,000	C
			LNR	4,803,000	A	480,000	A
			LNR			4,000,000	C
18	BED130	- ECON PLANNING & RESEARCH FOR ECON DEVPMT					
				14 00*		14 00*	
	OPERATING		BED	784,718	A	766 287	A
19	BED142	- GENERAL SUPPORT FOR ECONOMIC DEVELOPMENT					
				34 00*		37 00*	
	OPERATING		BED	2,073,884	A	2 190,556	A
B. EMPLOYMENT							
1	LBR111	- PLACEMENT SERVICES					
				3 00*		3 00*	
	OPERATING		LBR	294,957	A	259 540	A
				141 50*		141 50*	
			LBR	10 034,548	N	9,872,917	N
2	LBR123	- APPRENTICESHIP & OTHER TRAINING PROGRAMS					

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	MOF	APPROPRIATIONS FISCAL YEAR 1990-91	MOF
				7.00*		7.00*	
		OPERATING	LBR	211,965A		213,171A	
3.	LBR131	- EMPLOYMENT AND TRAINING PROGRAMS					
				4.00*		4.00*	
		OPERATING	LBR	915,995A		954,804A	
				13.00*		13.00*	
			LBR	12,625,424N		12,992,150N	
4.	LBR135	- COMMISSION ON EMPLOYMENT & HUMAN RESOURCES					
				5.00*		5.00*	
		OPERATING	LBR	231,096A		208,941A	
			LBR	146,500N		141,000N	
5.	LBR136	- TRANSITION CENTER					
		OPERATING	LBR	1,287,189A		1,427,988A	
			LBR	75,000N		81,773N	
6.	LBR143	- OCCUPATIONAL SAFETY & HEALTH					
				51.00*		52.50*	
		OPERATING	LBR	1,592,566A		1,652,701A	
				29.50*		28.50*	
			LBR	1,127,471N		1,104,756N	
7.	LBR152	- WAGE STANDARDS & FAIR EMPLOYMENT PRACTICES					
				31.00*		48.00*	
		OPERATING	LBR	1,047,167A		1,608,105A	
			LBR	51,500N		51,500N	
8.	LBR161	- PUBLIC AND PRIVATE EMPLOYMENT					
				3.00*		3.00*	
		OPERATING	LBR	486,465A		492,108A	
9.	LBR171	- UNEMPLOYMENT COMPENSATION					
		OPERATING	LBR	2,165,964A		2,166,061A	
			LBR	82,648,182B		82,653,933B	
				279.85*		279.85*	
			LBR	8,519,653N		7,689,795N	
10.	LBR183	- DISABILITY COMPENSATION					
				133.00*		133.00*	
		OPERATING	LBR	3,474,812A		3,446,994A	
			LBR	9,287,500B		10,037,500B	
11.	HMS802	- VOCATIONAL REHABILITATION					
				34.90*		32.90*	
		OPERATING	HMS	3,473,614A		3,620,542A	
			HMS	665,277B		699,872B	
				95.10*		95.10*	
			HMS	4,326,879N		4,586,073N	
12.	LBR901	- DLIR-DATA GATHERING, RESEARCH AND ANALYSIS					
				15.10*		15.26*	

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	APPROPRIATIONS FISCAL YEAR 1990-91	M O F
		OPERATING	LBR	1,413,592	A	1,437,128	A
				25 90	*	25 74	*
			LBR	1,428,882	N	1 410,503	N
13	LBR902	- GENERAL ADMINISTRATION					
				34 20	*	36 26	*
		OPERATING	LBR	1,186,194	A	1 258,153	A
				34 80	*	33 24	*
			LBR	1,699 119	N	1,621,769	N
14	LBR903	- OFFICE OF COMMUNITY SERVICES					
				7 00	*	7 00	*
		OPERATING	LBR	6 138,826	A	7,954,665	A
				3 00	*	3 00	*
			LBR	4,500 725	N	4,500 725	N
15	LBR812	- LABOR & INDUSTRIAL RELATIONS APPEALS BOARD					
				10 00	*	10 00	*
		OPERATING	LBR	422,693	A	426,346	A
C. TRANSPORTATION FACILITIES							
1	TRN102	- HIA FACILITIES & SVCS					
				514 00	*	518 00	*
		OPERATING	TRN	45,220,705	B	48,678,829	B
		INVESTMENT CAPITAL	TRN	248,380,000	E	183,250,000	E
			TRN	850,000	N	1,000,000	N
2	TRN104	- GENERAL AVIATION FACILITIES AND SERVICES					
				2 00	*	2 00	*
		OPERATING	TRN	773,076	B	593,669	B
3	TRN111	- GENERAL LYMAN FIELD FACILITIES & SERVICES					
				74 00	*	74 00	*
		OPERATING	TRN	4,635 346	B	4,178,638	B
		INVESTMENT CAPITAL	TRN	600 000	E	1,900,000	E
4	TRN114	- KE-AHOLE AIRPORT FACILITIES AND SERVICES					
				61 00	*	61 00	*
		OPERATING	TRN	3,805,899	B	3,911,312	B
		INVESTMENT CAPITAL	TRN	55,400,000	E	52,740,000	E
			TRN	6 000 000	N	15,000 000	N
5	TRN116	- WAIMEA-KOHALA AIRPORT FACILITIES & SERVICES					
				2 00	*	2 00	*
		OPERATING	TRN	228,463	B	132,100	B
6	TRN118	- UPOLU AIRPORT FACILITIES & SERVICES					
		OPERATING	TRN	456,742	B	147 090	B
7	TRN131	- KAHULUI AIRPORT FACILITIES AND SERVICES					
				152 00	*	154 00	*

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		OPERATING	TRN	7,043,345	B	7,648,032	B
		INVESTMENT CAPITAL	TRN	62,510,000	E	66,680,000	E
			TRN	6,100,000	N	5,150,000	N
8.	TRN133	- HANA AIRPORT FACILITIES AND SERVICES					
				1.00*		1.00*	
		OPERATING	TRN	163,277	B	109,331	B
9.	TRN141	- MOLOKAI AIRPORT FACILITIES AND SERVICES					
				9.00*		11.00*	
		OPERATING	TRN	819,438	B	659,615	B
		INVESTMENT CAPITAL	TRN	1,200,000	E	3,800,000	E
10.	TRN143	- KALAUPAPA AIRPORT FACILITIES AND SERVICES					
				1.00*		1.00*	
		OPERATING	TRN	139,440	B	181,358	B
		INVESTMENT CAPITAL	TRN	5,750,000	E		
11.	TRN151	- LANAI AIRPORT FACILITIES AND SERVICES					
				4.00*		4.00*	
		OPERATING	TRN	1,833,217	B	257,071	B
		INVESTMENT CAPITAL	TRN	5,200,000	E	15,000,000	E
			TRN			1,000,000	N
12.	TRN161	- LIHUE AIRPORT FACILITIES AND SERVICES					
				87.00*		92.00*	
		OPERATING	TRN	5,178,546	B	5,262,530	B
		INVESTMENT CAPITAL	TRN	28,570,000	E	21,900,000	E
			TRN	2,600,000	N	8,000,000	N
13.	TRN163	- PORT ALLEN AIRPORT FACILITIES AND SERVICES					
		OPERATING	TRN	1,419	B	1,493	B
14.	TRN195	- AIR TRANSPORTATION FACILITIES & SVCS SUPPORT					
		OPERATING	TRN	190,600	A	190,600	A
				77.00*		78.00*	
			TRN	119,515,914	B	152,679,349	B
		INVESTMENT CAPITAL	TRN	32,900,000	E	260,400,000	E
			TRN	350,000	N	450,000	N
15.	TRN301	- HONOLULU HARBOR FACILITIES AND SERVICES					
				129.00*		129.00*	
		OPERATING	TRN	9,316,246	B	9,614,825	B
		INVESTMENT CAPITAL	TRN	1,000,000	A		
			TRN	390,000	B	440,000	B
			TRN			860,000	C
			TRN	9,025,000	E	14,400,000	E
16.	TRN303	- BARBERS POINT HARBOR FACILITIES AND SERVICES					
				2.00*		2.00*	
		OPERATING	TRN	187,812	B	197,125	B

PROGRAM APPROPRIATIONS

ITEM NO	PROG ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		INVESTMENT CAPITAL	TRN	300 000	A		
			TRN	300 000	B		
			TRN			3 000 000	E
17	TRN305	KEWALO BASIN FACILITIES AND SERVICES					
				3 00	*	3 00	*
		OPERATING	TRN	458 736	B	478 749	B
18	TRN311	HILO HARBOR FACILITIES AND SERVICES					
				10 00	*	10 00	*
		OPERATING	TRN	922 300	B	941 356	B
		INVESTMENT CAPITAL	TRN			345 000	B
19	TRN313	KAWAIHAE HARBOR FACILITIES AND SERVICES					
				6 00	*	6 00	*
		OPERATING	TRN	371 022	B	387 613	B
		INVESTMENT CAPITAL	TRN	300 000	B		
			TRN	4 700 000	E		
20	TRN331	KAHULUI HARBOR FACILITIES AND SERVICES					
				15 00	*	16 00	*
		OPERATING	TRN	1 128 293	B	1 296 478	B
		INVESTMENT CAPITAL	TRN	200 000	B	1 100 000	B
			TRN	1 000 000	E		
21	TRN341	KAUNAKAKAI HARBOR FACILITIES AND SERVICES					
				1 00	*	1 00	*
		OPERATING	TRN	142 037	B	151 582	B
		INVESTMENT CAPITAL	TRN	175 000	B		
22	TRN361	NAWILIWILI HARBOR FACILITIES AND SERVICES					
				14 50	*	14 50	*
		OPERATING	TRN	819 288	B	779 205	B
		INVESTMENT CAPITAL	TRN	8 500 000	E	17 000 000	E
23	TRN363	PORT ALLEN HARBOR FACILITIES AND SERVICES					
				1 00	*	1 00	*
		OPERATING	TRN	219 120	B	194 832	B
24	TRN395	WATER TRANSPORTATION FAC & SVCS SUPPORT					
				54 00	*	55 00	*
		OPERATING	TRN	18 897 588	B	20 182 632	B
		INVESTMENT CAPITAL	TRN	350 000	B	350 000	B
25	TRN501	OAHU HIGHWAYS AND SERVICES					
				228 00	*	228 00	*
		OPERATING	TRN	24 361 410	B	25 723 360	B
		INVESTMENT CAPITAL	TRN			28 065 000	A
			TRN	2 689 000	B	1 500 000	B
			TRN			23 603 000	C
			TRN	40 839 000	D	10 565 000	D

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
			TRN	195,808,000	J	34,435,000	J
			TRN	25,613,000	K	4,673,000	K
			TRN	255,000	N		
26.	TRN511	- HAWAII HIGHWAYS AND SERVICES					
				114.00*		118.00*	
	OPERATING		TRN	9,301,213	B	10,406,425	B
	INVESTMENT CAPITAL		TRN			1,550,000	A
			TRN	30,000	B	30,000	B
			TRN			2,200,000	C
			TRN	2,641,000	D	3,655,000	D
27.	TRN531	- MAUI HIGHWAYS AND SERVICES					
				57.00*		57.00*	
	OPERATING		TRN	7,340,885	B	7,419,504	B
	INVESTMENT CAPITAL		TRN			2,300,000	A
			TRN	951,000	B	66,000	B
			TRN			13,692,000	C
			TRN	9,069,000	D	3,155,000	D
			TRN	4,594,000	K	6,765,000	K
28.	TRN541	- MOLOKAI HIGHWAYS AND SERVICES					
				12.00*		12.00*	
	OPERATING		TRN	2,074,118	B	2,065,325	B
	INVESTMENT CAPITAL		TRN	60,000	B		
29.	TRN551	- LANAI HIGHWAYS AND SERVICES					
				3.00*		3.00*	
	OPERATING		TRN	502,063	B	458,220	B
30.	TRN561	- KAUAI HIGHWAYS AND SERVICES					
				42.00*		43.00*	
	OPERATING		TRN	5,016,910	B	4,669,451	B
	INVESTMENT CAPITAL		TRN	1,030,000	B	209,000	B
			TRN			6,300,000	C
			TRN	2,480,000	D		
			TRN			3,773,000	K
31.	TRN595	- LAND TRANSPORTATION FAC & SVCS SUPPORT					
				55.00*		56.00*	
	OPERATING		TRN	34,652,582	B	33,766,074	B
	INVESTMENT CAPITAL		TRN	2,123,000	B	1,098,000	B
			TRN	145,000	C		
			TRN	3,778,000	N	2,153,000	N
32.	TRN597	- SAFETY ADMINISTRATION OF LAND TRANSPORTATION					
				40.00*		40.00*	
	OPERATING		TRN	1,969,147	B	2,081,905	B
				4.00*		4.00*	
			TRN	325,594	N	336,091	N
33.	TRN995	- OVERALL PROGRAM SUPPORT FOR TRANS FAC & SVCS					

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	MOF	APPROPRIATIONS FISCAL YEAR 1990-91	MOF
				92.00*		92.00*	
	OPERATING		TRN	5,748,652	B	6,202,930	B
D. ENVIRONMENTAL PROTECTION							
1	HTH840	- SOLIDS, LIQUIDS, GASES, AND NOISE					
				66.50*		71.50*	
	OPERATING		HTH	2,404,411	A	2,337,873	A
				25.00*		24.00*	
			HTH	1,830,066	N	1,859,468	N
2	AGR846	- PESTICIDES					
				23.00*		25.00*	
	OPERATING		AGR	858,375	A	706,249	A
3	LNR401	- AQUATIC RESOURCES					
				24.00*		24.00*	
	OPERATING		LNR	1,113,217	A	1,095,932	A
			LNR	332,732	N	340,642	N
4	LNR402	- FORESTS AND WILDLIFE RESOURCES					
				58.00*		58.00*	
	OPERATING		LNR	2,248,295	A	2,207,414	A
			LNR	443,208	N	465,050	N
	INVESTMENT CAPITAL		LNR	1,702,000	C	986,000	C
			LNR	271,000	N	219,000	N
5	LNR403	- MINERAL RESOURCES					
				3.00*		3.00*	
	OPERATING		LNR	435,217	A	283,252	A
6	LNR404	- WATER RESOURCES					
				23.00*		25.00*	
	OPERATING		LNR	1,896,042	A	2,361,332	A
	INVESTMENT CAPITAL		LNR	4,000,000	A	7,800,000	A
			LNR	9,811,000	C	2,119,000	C
7	LNR405	- CONSERVATION & RESOURCES ENFORCEMENT					
				79.00*		79.00*	
	OPERATING		LNR	3,887,504	A	3,824,931	A
			LNR	190,686	N	215,033	N
				1.00*		1.00*	
			LNR	6,279	W	6,279	W
8	TRN903	- COASTAL AREAS					
	OPERATING		TRN	15,810	A	116,633	A
	INVESTMENT CAPITAL		TRN	30,000	C	680,000	C
9	HTH850	- POLICY DVLPMENT,COORD & ANLYS FOR NAT P ENVR					
				11.00*		11.00*	
	OPERATING		HTH	491,688	A	415,323	A
10	LNR906	- LNR-NATURAL PHYSICAL ENVIRONMENT					
				38.50*		42.50*	
	OPERATING		LNR	3,770,723	A	3,858,447	A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	MOF	APPROPRIATIONS FISCAL YEAR 1990-91	MOF
			LNR	64,401	N	63,939	N
		INVESTMENT CAPITAL	LNR	250,000	C	250,000	C
11.	HTH849	- HTH-NATURAL PHYSICAL ENVIRONMENT					
				20.50*		25.50*	
		OPERATING	HTH	1,290,323	A	1,871,184	A
				2.50*		2.50*	
			HTH	563,580	N	583,202	N
E. HEALTH							
1.	HTH101	- TUBERCULOSIS					
				45.00*		45.00*	
		OPERATING	HTH	1,697,975	A	1,594,902	A
			HTH	68,012	N	68,012	N
2.	HTH111	- HANSEN'S DISEASE					
				73.00*		73.00*	
		OPERATING	HTH	4,734,653	A	4,554,343	A
			HTH	175,710	B	184,848	B
				3.00*		3.00*	
			HTH	441,879	N	1,744,879	N
		INVESTMENT CAPITAL	AGS	302,000	C	3,445,000	C
3.	HTH121	- SEXUALLY TRANSMITTED DISEASES					
				16.00*		19.00*	
		OPERATING	HTH	2,332,431	A	4,610,594	A
				4.00*		4.00*	
			HTH	1,536,499	N	1,579,401	N
4.	HTH131	- OTHER COMMUNICABLE DISEASES					
				12.00*		12.00*	
		OPERATING	HTH	1,624,973	A	2,028,669	A
				1.00*		1.00*	
			HTH	167,977	N	174,213	N
5.	HTH139	- SUPPORTING SERVICES FOR COMMUN DISEASES					
				7.00*		7.00*	
		OPERATING	HTH	200,535	A	200,164	A
6.	HTH141	- DENTAL DISEASES					
				43.60*		43.60*	
		OPERATING	HTH	1,185,895	A	1,209,286	A
			HTH	59,046	N	59,046	N
7.	HTH151	- CHRONIC DISEASES					
				6.00*		6.00*	
		OPERATING	HTH	1,308,769	A	1,324,047	A
			HTH	252,773	N	252,773	N
8.	HTH160	- NUTRITION SERVICES					
				9.75*		9.75*	
		OPERATING	HTH	397,902	A	388,086	A
				18.00*		18.00*	
			HTH	9,701,350	N	10,661,469	N

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	APPROPRIATIONS FISCAL YEAR 1990-91	M O F
9	HTH170	- EMERGENCY MEDICAL SERVICES					
				10.00*		10.00*	
	OPERATING		HTH	20,395,384	A	23,139,881	A
			HTH	210,515	N	210,515	N
10	HTH185	- FAMILY PLANNING					
				5.00*		5.00*	
	OPERATING		HTH	1,085,895	A	1,030,040	A
				5.00*		5.00*	
			HTH	769,356	N	798,658	N
11	HTH191	- SCHOOL HEALTH SERVICES					
				377.00*		384.00*	
	OPERATING		HTH	6,995,156	A	7,203,787	A
				2.00*		2.00*	
			HTH	69,521	N	69,521	N
12	HTH801	- HEALTH CARE SERVICES					
				44.50*		46.50*	
	OPERATING		HTH	8,146,197	A	9,168,707	A
				44.00*		44.00*	
			HTH	2,435,648	N	2,619,312	N
13	HTH211	- HILO HOSPITAL					
				639.20*		648.20*	
	OPERATING		HTH	24,494,688	B	27,215,470	B
	INVESTMENT CAPITAL		AGS			575,000	A
			AGS			1,605,000	B
			AGS	1,195,000	C	900,000	C
14	HTH212	- HONOKAA HOSPITAL					
	OPERATING		HTH	416,687	A	437,427	A
				49.00*		49.00*	
			HTH	1,819,087	B	1,923,778	B
	INVESTMENT CAPITAL		AGS	7,500,000	A		
15	HTH213	- KA'U HOSPITAL					
	OPERATING		HTH	467,251	A	485,497	A
				32.00*		33.00*	
			HTH	1,114,420	B	979,876	B
16	HTH214	- KOHALA HOSPITAL					
	OPERATING		HTH	482,844	A	502,939	A
				36.50*		43.00*	
			HTH	1,132,577	B	1,538,212	B
17	HTH215	- KONA HOSPITAL					
	OPERATING		HTH	1,665,719	A	1,746,475	A
				216.00*		229.00*	
			HTH	9,831,461	B	10,254,234	B
	INVESTMENT CAPITAL		AGS	3,000,000	A		
18	HTH221	- MAUI MEMORIAL HOSPITAL					
				528.00*		539.00*	
	OPERATING		HTH	23,054,353	B	25,166,237	B
	INVESTMENT CAPITAL		AGS			3,309,000	C
19	HTH222	- HANA MEDICAL CENTER					
	OPERATING		HTH	313,796	A	325,470	A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
				10.00*		9.00*	
			HTH	382,770	B	258,201	B
20.	HTH223	- KULA HOSPITAL					
	OPERATING		HTH	756,557	A	793,999	A
				173.00*		173.00*	
			HTH	5,259,291	B	5,248,326	B
	INVESTMENT CAPITAL		AGS	575,000	C		
21.	HTH224	- LANAI HOSPITAL					
	OPERATING		HTH	42,793	A	44,812	A
				23.00*		23.00*	
			HTH	1,163,914	B	1,069,656	B
22.	HTH231	- KAUAI VETERANS MEMORIAL HOSPITAL					
	OPERATING		HTH	1,152,328	A	1,209,925	A
				125.00*		125.00*	
			HTH	4,805,094	B	4,780,449	B
	INVESTMENT CAPITAL		AGS			350,000	A
23.	HTH232	- SAMUEL MAHELONA MEMORIAL HOSPITAL					
	OPERATING		HTH	454,193	A	476,549	A
				145.00*		145.00*	
			HTH	4,577,348	B	4,254,565	B
	INVESTMENT CAPITAL		AGS	298,000	C		
24.	HTH241	- MALUHIA HOSPITAL					
	OPERATING		HTH	549,823	A	646,683	A
				187.00*		195.00*	
			HTH	6,122,815	B	6,030,602	B
			HTH			660,000	N
25.	HTH242	- LEAHI HOSPITAL					
	OPERATING		HTH	1,928,830	A	2,027,800	A
				294.00*		294.00*	
			HTH	8,884,556	B	8,846,323	B
	INVESTMENT CAPITAL		AGS	1,113,000	C		
26.	HTH401	- COMMUNITY BASED SERVICES FOR MH					
				362.50*		396.50*	
	OPERATING		HTH	25,852,946	A	30,609,709	A
				3.00*		3.00*	
			HTH	2,714,628	N	2,713,774	N
	INVESTMENT CAPITAL		AGS	1,500,000	C	3,000,000	C
			HTH			2,500,000	A
27.	HTH430	- HAWAII STATE HOSPITAL					
				451.00*		473.00*	
	OPERATING		HTH	13,212,745	A	13,477,478	A
	INVESTMENT CAPITAL		AGS	6,700,000	C		
28.	HTH495	- GENERAL SUPPORT FOR MH					
				30.00*		30.00*	
	OPERATING		HTH	1,465,257	A	1,445,495	A
				1.00*		1.00*	
			HTH	542,025	N	542,666	N

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
29	HTH501	COMMUNITY BASED SERVICES FOR DEV DIS & MEN RET					
				146.25*		146.25*	
	OPERATING		HTH	12,578,239	A	14,263,572	A
			HTH			131,000	B
30	HTH511	- WAIMANO TRAINING SCHOOL AND HOSPITAL					
				451.00*		451.00*	
	OPERATING		HTH	13,815,464	A	14,023,114	A
			HTH			668,000	B
	INVESTMENT CAPITAL		AGS	500,000	C		
31	HTH601	- VECTOR CONTROL					
				87.00*		87.00*	
	OPERATING		HTH	2,201,932	A	2,151,523	A
				2.00*		2.00*	
			HTH	46,197	X	49,601	X
	INVESTMENT CAPITAL		AGS			569,000	A
32	HTH611	- SANITATION & SUBSTANCE CONTROL					
				90.50*		97.50*	
	OPERATING		HTH	2,912,648	A	2,922,100	A
33	HTH621	- DRINKING WATER QUALITY					
				12.00*		12.00*	
	OPERATING		HTH	877,869	A	776,548	A
				6.00*		6.00*	
			HTH	316,573	N	291,573	N
34	HTH701	- MEDICAL FACILITIES-SFDS INSPECTION LICENSING					
				14.50*		14.50*	
	OPERATING		HTH	587,448	A	648,140	A
				10.00*		12.40*	
			HTH	549,001	N	758,128	N
35	HTH901	LABORATORY SERVICES					
				79.00*		90.00*	
	OPERATING		HTH	2,793,512	A	2,824,823	A
	INVESTMENT CAPITAL		AGS	440,000	A	35,660,000	A
36	HTH902	- PUBLIC HEALTH NURSING SERVICES					
				157.00*		160.00*	
	OPERATING		HTH	5,444,412	A	5,782,239	A
				4.00*		4.00*	
			HTH	34,388	B	34,387	B
			HTH	623,522	N	623,522	N
37	HTH903	- RECORDS, DATA COLLECTION AND RESEARCH					
				36.00*		36.00*	
	OPERATING		HTH	2,149,786	A	1,849,899	A
			HTH	92,000	N	92,000	N
38	HTH908	- HEALTH EDUCATION					
				30.00*		30.00*	
	OPERATING		HTH	1,424,726	A	1,480,271	A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	APPROPRIATIONS FISCAL YEAR 1990-91	M O F
			HTH	331,299	N	332,699	N
39.	HTH906	- COMPREHENSIVE HEALTH PLANNING					
				10.00	*	10.00	*
	OPERATING		HTH	526,856	A	532,518	A
40.	HTH907	- GENERAL ADMINISTRATION					
				158.50	*	159.50	*
	OPERATING		HTH	8,361,164	A	8,713,298	A
				23.00	*	23.00	*
			HTH	1,073,691	B	1,388,097	B
				9.00	*	9.00	*
			HTH	370,485	N	372,115	N
	INVESTMENT CAPITAL		AGS	824,000	A	1,085,000	A
			AGS			300,000	B
			AGS	118,000	C		
			HTH			450,000	A
41.	SUB601	- PRIVATE HOSPITALS & MEDICAL SERVICES					
	OPERATING		SUB	2,143,643	A	3,135,977	A
	INVESTMENT CAPITAL		HTH	1,712,000	A		
F. SOCIAL SERVICES							
1.	HMS111	- SERVICES TO INDIVIDUALS AND FAMILIES					
				263.50	*	300.00	*
	OPERATING		HMS	25,507,555	A	27,951,039	A
				200.00	*	200.00	*
			HMS	12,707,600	N	13,379,830	N
			HMS	148,886	U	148,886	U
2.	DEF112	- SERVICES TO VETERANS					
				11.00	*	16.00	*
	OPERATING		DEF	437,430	A	506,015	A
	INVESTMENT CAPITAL		AGS	2,600,000	A		
			AGS			6,122,000	C
			AGS	2,600,000	N	5,122,000	N
3.	HMS201	- PAYMNTS TO ASSIST FAMILIES WITH DEPNDNT CHLD					
	OPERATING		HMS	39,615,388	A	42,733,923	A
			HMS	49,711,872	N	53,902,549	N
4.	HMS202	- PAYMNTS TO ASSIST THE AGED, BLIND & DISABLED					
	OPERATING		HMS	8,795,121	A	9,631,076	A
5.	HMS203	- CHILD FOSTER BOARD PAYMENTS					
	OPERATING		HMS	8,266,458	A	10,010,128	A
			HMS	77,436	N	77,436	N
6.	HMS204	- OTHER GENERAL ASSISTANCE PAYMENTS					
	OPERATING		HMS	23,842,544	A	26,412,061	A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
7	HMS206	- OTHER FEDERAL ASSISTANCE PAYMENTS					
	OPERATING		HMS	1,491,331	N	1,491,331	N
8	HMS220	- RENTAL HOUSING AUGMENTATION AND ASSISTANCE					
				9.00	*	10.00	*
	OPERATING		HMS	3,954,914	A	4,178,335	A
				26.50	*	26.50	*
			HMS	1,505,377	B	1,553,777	B
				222.00	*	222.00	*
			HMS	20,416,687	N	21,627,113	N
	INVESTMENT CAPITAL		HMS	3,498,000	A		
9	HMS807	- TEACHER HOUSING					
				50	*	50	*
	OPERATING		HMS	117,586	B	122,383	B
	INVESTMENT CAPITAL		HMS	1,256,000	A		
10	HMS229	- HOUSING ASSISTANCE ADMINISTRATION					
	OPERATING		HMS			1,365,375	A
				8.00	*	8.00	*
			HMS	215,069	B	215,069	B
				31.00	*	31.00	*
			HMS	1,679,817	N	1,572,133	N
	INVESTMENT CAPITAL		HMS	3,812,000	A	10,332,000	A
			HMS			8,017,000	C
11	BED225	- PRIVATE HOUSING DEVELOPMENT & OWNERSHIP					
	OPERATING		BED		A		A
					*		*
			BED		B		B
12	BUF225-	PRIVATE HOUSING DEVELOPMENT & OWNERSHIP					
	OPERATING		BUF	1,244,900	A	844,100	A
				19.00	*	19.00	*
			BUF	2,474,883	B	2,518,731	B
	INVESTMENT CAPITAL		BUF	10,506,000	A	150,000	A
			BUF	17,515,000	C	105,836,000	C
			BUF	100,000,000	E	100,000,000	E
13	BUF223	- BROADENED HOMESITE OWNERSHIP					
				1.00	*	1.00	*
	OPERATING		BUF	181,837	A	190,238	A
				2.00	*	2.00	*
			BUF	224,097	B	221,669	B
14	BUF227	HOUSING FINANCE PROGRAM					
	OPERATING		BUF			12,000,000	A
				8.00	*	8.00	*
			BUF	841,257	B	870,297	B
15	BUF229	- HOUSING FINANCE & DEVELOPMENT ADMINISTRATION					
	OPERATING		BUF	50,000	A		
				21.00	*	21.00	*

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
			BUF	1,381,216	B	1,454,022	B
16.	HMS230	- HEALTH CARE PAYMENTS					
	OPERATING		HMS	124,702,116	A	128,469,755	A
			HMS	90,916,437	N	94,449,282	N
			HMS	6,961,610	U	6,961,610	U
17.	HMS236	- ELIGIBILITY DETERMINATION					
				332.62*		331.62*	
	OPERATING		HMS	12,054,885	A	10,055,095	A
				256.88*		255.88*	
			HMS	10,663,179	N	11,288,655	N
18.	HMS238	- DISABILITY DETERMINATION					
				51.00*		32.00*	
	OPERATING		HMS	2,648,638	N	2,448,409	N
19.	ATG500	- CHILD SUPPORT ENFORCEMENT SERVICES					
				47.99*		47.99*	
	OPERATING		ATG	1,497,172	A	1,497,907	A
				69.01*		69.01*	
			ATG	5,001,632	N	5,055,847	N
20.	HHL602	- PLANNG, DEV, MGT & GEN SPPT FOR HAWN HMSTDS					
				98.00*		98.00*	
	OPERATING		HHL	3,052,436	A	3,152,146	A
	INVESTMENT CAPITAL		HHL	6,875,000	A	300,000	A
			HHL	17,268,000	E	26,500,000	E
21.	GOV861	- PLAN, PRGM DEV & COORD OF SVCS FOR CHD & YTH					
				11.00*		11.00*	
	OPERATING		GOV	1,926,687	A	3,402,690	A
22.	GOV602	- ELDERLY					
				8.90*		8.90*	
	OPERATING		GOV	6,042,377	A	6,458,197	A
				9.10*		9.10*	
			GOV	4,922,673	N	4,924,973	N
			GOV			800,000	X
	INVESTMENT CAPITAL		AGS	1,850,000	A		
23.	HTH520	- HANDICPPD					
				2.00*		4.00*	
	OPERATING		HTH	470,639	A	491,837	A
			HTH	63,787	N	63,787	N
24.	HMS902	- GENERAL SUPPORT FOR HEALTH CARE PAYMENTS					
				21.39*		21.89*	
	OPERATING		HMS	3,351,579	A	3,427,285	A
				25.61*		26.11*	
			HMS	3,677,928	N	3,675,494	N
25.	HMS903	- GENERAL SUPPORT FOR PUBLIC WELFARE					
				46.70*		56.70*	
	OPERATING		HMS	8,412,684	A	8,370,114	A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
				49 30*		60 30*	
			HMS	6,164,595	N	7,373,955	N
26	HMS904	- GENERAL ADMINISTRATION (DSSH)					
				161 16*		189 16*	
	OPERATING		HMS	6,166,502	A	6,896,768	A
				21 84*		22 84*	
			HMS	726,446	N	719,452	N
G. FORMAL EDUCATION							
1	EDN105	- REGULAR INSTRUCTION PROGRAM					
				6,811 00*		7,059 00*	
	OPERATING		EDN	224,311,259	A	224,098,198	A
			EDN	9,668,494	N	20,282,816	N
	INVESTMENT CAPITAL		AGS			5,450,000	A
			AGS	66,290,000	B	74,524,000	B
2	EDN106	- OTHER REGULAR INSTRUCTION					
				775 50*		855 50*	
	OPERATING		EDN	55,577,606	A	60,985,546	A
			EDN	2,441,318	B	2,469,992	B
			EDN	2,998,631	N	2,794,034	N
3	EDN107	- SPECIAL EDUCATION					
				1,320 00*		1,398 50*	
	OPERATING		EDN	39,235,917	A	41,357,666	A
			EDN	25,000	B	25,000	B
			EDN	5,001,820	N	5,992,300	N
	INVESTMENT CAPITAL		AGS	13 206,000	B	2,882,000	B
4	EDN108	- COMPENSATORY EDUCATION					
				182 50*		182 50*	
	OPERATING		EDN	8,884,487	A	9,192,531	A
			EDN	12,070,557	N	12,731,555	N
5	EDN203	- SCHOOL ADMINISTRATION					
				868 50*		936 50*	
	OPERATING		EDN	30,390,102	A	33,461,123	A
	INVESTMENT CAPITAL		AGS			250,000	B
			AGS			400 000	C
6	EDN204	- INSTRUCTIONAL MEDIA					
				275 50*		301 50*	
	OPERATING		EDN	11 045,466	A	11,559,023	A
	INVESTMENT CAPITAL		AGS			314,000	A
			AGS	7,912,000	B	1,612,000	B
7	EDN205	- INSTRUCTIONAL DEVELOPMENT					
				120 00*		123 00*	
	OPERATING		EDN	8,500,062	A	9,033,308	A
			EDN	1,068 974	N	1,096,305	N
8	EDN206	- COUNSELING					
				345 00*		386 00*	
	OPERATING		EDN	12,880,951	A	13,845,215	A
9	EDN207	- STUDENT ACTIVITIES					

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	MOF	APPROPRIATIONS FISCAL YEAR 1990-91	MOF
				70.00*		70.00*	
		OPERATING	EDN	5,637,195	A	5,964,238	A
10.	EDN208	- PSYCHOLOGICAL & SCHOOL SOCIAL WORK SERVICES					
				247.50*		257.00*	
		OPERATING	EDN	10,725,056	A	10,917,057	A
11.	EDN303	- STATE ADMINISTRATION					
				259.00*		268.00*	
		OPERATING	EDN	22,501,279	A	20,345,024	A
			EDN	985,431	N	1,016,626	N
		INVESTMENT CAPITAL	AGS	600,000	B		
12.	EDN304	- DISTRICT ADMINISTRATION					
				263.50*		266.50*	
		OPERATING	EDN	10,695,305	A	10,829,213	A
13.	EDN305	- SCHOOL FOOD SERVICES					
				189.00*		189.00*	
		OPERATING	EDN	13,000,506	A	16,005,136	A
				709.50*		720.50*	
			EDN	12,066,557	B	10,877,922	B
			EDN	18,921,565	N	19,856,451	N
		INVESTMENT CAPITAL	AGS			250,000	A
			AGS	1,992,000	B	10,732,000	B
14.	EDN306	- SAFETY AND SECURITY SERVICES					
		OPERATING	EDN	3,466,625	A	3,532,772	A
15.	EDN307	- PHYSICAL PLANT OPERATIONS & MAINTENANCE					
				1,050.10*		1,061.60*	
		OPERATING	EDN	32,622,419	A	34,600,854	A
16.	AGS807	- PHYSICAL PLANT OPERATIONS & MAINTENANCE-AGS					
				265.00*		267.00*	
		OPERATING	AGS	40,000,890	A	42,898,895	A
17.	AGS808	- STUDENT TRANSPORTATION					
				11.00*		11.00*	
		OPERATING	AGS	22,254,347	A	23,947,192	A
18.	EDN406	- ADULT EDUCATION					
				35.00*		35.00*	
		OPERATING	EDN	5,204,505	A	5,722,460	A
			EDN	412,518	B	418,610	B
			EDN	553,739	N	554,232	N
19.	EDN407	- PUBLIC LIBRARIES					
				515.55*		557.55*	
		OPERATING	EDN	20,911,636	A	20,255,060	A
			EDN			350,000	B
			EDN	572,082	N	572,082	N
		INVESTMENT CAPITAL	AGS	10,149,000	A	75,000	A
			AGS	4,180,000	C	2,785,000	C
20.	UOH101	- INSTRUCTION - UOH, MANOA					

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	APPROPRIATIONS FISCAL YEAR 1990-91	M O F
				1 633 02*		1,674 52*	
		OPERATING	UOH	80 018 129A		82,511,538A	
				6 00*		6 00*	
			UOH	5,076,240B		5,182,056B	
			UOH	277,785N		277,785N	
		INVESTMENT CAPITAL	AGS	16,833,000A		12,631,000A	
			AGS	275,000C		12,236,000C	
			AGS	6,293,000N		10,844,000N	
			UOH			1,295,000C	
21	UOH102	- ORGANIZED RESEARCH - UOH, MANOA					
				607 31*		622 31*	
		OPERATING	UOH	31,096 457A		32,289,028A	
				4 00*		4 00*	
			UOH	327,026B		330,378B	
				34 42*		34 42*	
			UOH	1,699 926N		1,865,029N	
			UOH	5,833,266W		6,202,379W	
		INVESTMENT CAPITAL	AGS	715,000C			
			AGS	1,490,000R			
22	UOH103	- PUBLIC SERVICE - UOH, MANOA					
				99 41*		104 41*	
		OPERATING	UOH	5,119,944A		5,315,642A	
				16 00*		16 00*	
			UOH	2 932,237B		3,100,150B	
				43 64*		43 64*	
			UOH	1,827,036N		2,013,730N	
			UOH	59,155W		61,006W	
23	UOH104	ACADEMIC SUPPORT - UOH MANOA					
				373 50*		373 50*	
		OPERATING	UOH	18,502 522A		19,578,189A	
				11 50*		11 50*	
			UOH	1,361,997B		1,580 793B	
				6 00*		6 00*	
			UOH	1,712 104W		1,805 681W	
		INVESTMENT CAPITAL	AGS	1,003,000A			
24	UOH105	- STUDENT SERVICES - UOH, MANOA					
				228 75*		246 75*	
		OPERATING	UOH	8,929,159A		9,908,387A	
				1 25*		1 25*	
			UOH	346,562B		369,866B	
			UOH	925,760N		925,760N	
				174 25*		175 25*	
			UOH	37,825 091W		37,403 091W	
		INVESTMENT CAPITAL	AGS	15 536 000C		32,091 000C	
			UOH			135 000C	
25	UOH106	- INSTITUTIONAL SUPPORT - UOH MANOA					
				382 00*		383 00*	
		OPERATING	UOH	34,723,518A		34,934,636A	
				14 00*		14 00*	
			UOH	2,725,998B		2,919,999B	

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	APPROPRIATIONS FISCAL YEAR 1990-91	M O F
				11.00*		11.00*	
			UOH	3,151,603	W	3,309,482	W
		INVESTMENT CAPITAL	AGS	5,415,000	C	3,844,000	C
			AGS	288,000	R	5,426,000	R
			UOH	500,000	C		
26.	UOH211	- INSTRUCTION - UOH, HILO					
				234.00*		239.00*	
		OPERATING	UOH	11,068,932	A	11,354,426	A
			UOH	489,526	B	494,042	B
			UOH	95,028	N	95,028	N
			UOH	269,153	W	283,149	W
		INVESTMENT CAPITAL	UOH			130,000	A
27.	UOH213	- PUBLIC SERVICE - UOH, HILO					
				1.00*		*	
		OPERATING	UOH	117,102	A	91,925	A
			UOH	289,982	B	299,039	B
28.	UOH214	- ACADEMIC SUPPORT - UOH, HILO					
				50.00*		52.00*	
		OPERATING	UOH	2,776,220	A	2,756,537	A
				5.00*		5.00*	
			UOH	263,168	B	267,920	B
29.	UOH215	- STUDENT SERVICES - UOH, HILO					
				31.00*		36.00*	
		OPERATING	UOH	1,428,449	A	1,630,459	A
			UOH	394,543	N	394,543	N
				6.00*		6.00*	
			UOH	2,235,985	W	2,339,915	W
		INVESTMENT CAPITAL	AGS	500,000	A		
			AGS			700,000	C
30.	UOH216	- INSTITUTIONAL SUPPORT - UOH, HILO					
				54.00*		54.00*	
		OPERATING	UOH	4,268,557	A	4,238,061	A
			UOH	103,813	B	109,100	B
			UOH	17,654	W	18,572	W
		INVESTMENT CAPITAL	AGS	2,601,000	A	400,000	A
			AGS			1,250,000	C
31.	UOH301	- INSTRUCTION - HONOLULU COMMUNITY COLLEGE					
				142.00*		146.00*	
		OPERATING	UOH	6,209,419	A	7,081,402	A
			UOH	180,828	N	180,828	N
				2.00*		2.00*	
			UOH	364,882	W	380,114	W
32.	UOH302	- PUBLIC SERVICE- HONOLULU COMMUNITY COLLEGE					
				9.00*		13.00*	
		OPERATING	UOH	945,697	A	1,093,342	A
				1.00*		1.00*	
			UOH	551,217	B	1,059,251	B

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
33	UOH303	- ACADEMIC SUPPORT-HONOLULU COMMUNITY COLLEGE					
				31 00*		33 00*	
	OPERATING		UOH	1,054,265	A	1,075,687	A
			UOH			60,000	B
34	UOH304	- STUDENT SERVICES-HONOLULU COMMUNITY COLLEGE					
				27 00*		27 00*	
	OPERATING		UOH	821,725	A	831,130	A
			UOH	111,000	N	111,000	N
			UOH	56,890	W	109 281	W
35	UOH305	- INSTITUTIONAL SUPPORT - HONOLULU CC					
				44 00*		48 00*	
	OPERATING		UOH	1 850,106	A	2,013,447	A
			UOH	56,755	B	59,592	B
			UOH	120,637	W	126 668	W
36	UOH311	- INSTRUCTION -KAPIOLANI COMMUNITY COLLEGE					
				155 10*		168 10*	
	OPERATING		UOH	6,626,368	A	7,142,363	A
			UOH	88,562	N	88,562	N
				6 00*		6 00*	
			UOH	600,000	W	630 000	W
	INVESTMENT CAPITAL		AGS	18 297,000	A	4,073,000	A
			AGS			5,476,000	C
37	UOH312	- PUBLIC SERVICE-KAPIOLANI COMMUNITY COLLEGE					
				2 00*		2 00*	
	OPERATING		UOH	204,506	A	206,051	A
				13 00*		13 00*	
			UOH	1,073,283	B	1,895,783	B
38	UOH313	- ACADEMIC SUPPORT-KAPIOLANI COMMUNITY COLLEGE					
				30 50*		32 50*	
	OPERATING		UOH	1,291,722	A	1,319,522	A
39	UOH314	- STUDENT SERVICES-KAPIOLANI COMMUNITY COLLEGE					
				27 00*		29 00*	
	OPERATING		UOH	853,073	A	890,613	A
			UOH	91,020	N	91,020	N
			UOH	76 897	W	80,743	W
40	UOH315	- INSTITUTIONAL SUPPORT - KAPIOLANI CC					
				45 00*		47 00*	
	OPERATING		UOH	1 831,521	A	2,092,150	A
			UOH	19,216	B	20,177	B
			UOH	106,488	W	111,812	W
41	UOH321	- INSTRUCTION-LEEWARD COMMUNITY COLLEGE					
				158 50*		161 50*	
	OPERATING		UOH	6,467,087	A	6,572,506	A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	APPROPRIATIONS FISCAL YEAR 1990-91	M O F
			UOH	54,561	N	54,561	N
				1.00*		1.00*	
			UOH	221,025	W	229,477	W
42.	UOH322	- PUBLIC SERVICE-LEEWARD COMMUNITY COLLEGE					
				6.00*		6.00*	
	OPERATING		UOH	190,173	A	191,655	A
				1.00*		6.00*	
			UOH	337,709	B	1,094,643	B
43.	UOH323	- ACADEMIC SUPPORT-LEEWARD COMMUNITY COLLEGE					
				25.00*		25.00*	
	OPERATING		UOH	972,478	A	984,706	A
44.	UOH324	- STUDENT SERVICES-LEEWARD COMMUNITY COLLEGE					
				35.00*		36.00*	
	OPERATING		UOH	1,247,899	A	1,224,692	A
			UOH	43,670	B	44,720	B
			UOH	125,000	N	125,000	N
			UOH	91,829	W	95,230	W
45.	UOH325	- INSTITUTIONAL SUPPORT - LEEWARD CC					
				50.00*		50.00*	
	OPERATING		UOH	2,290,498	A	2,325,230	A
46.	UOH331	- INSTRUCTION-WINDWARD COMMUNITY COLLEGE					
				43.50*		43.50*	
	OPERATING		UOH	1,923,813	A	1,804,566	A
			UOH	15,364	W	16,132	W
	INVESTMENT CAPITAL		AGS			820,000	A
47.	UOH332	- PUBLIC SERVICE-WINDWARD COMMUNITY COLLEGE					
				3.00*		3.00*	
	OPERATING		UOH	119,117	A	120,693	A
				1.00*		1.00*	
			UOH	155,707	B	158,039	B
48.	UOH333	- ACADEMIC SUPPORT-WINDWARD COMMUNITY COLLEGE					
				14.00*		14.00*	
	OPERATING		UOH	579,654	A	585,600	A
49.	UOH334	- STUDENT SERVICES-WINDWARD COMMUNITY COLLEGE					
				15.00*		15.00*	
	OPERATING		UOH	455,457	A	478,783	A
			UOH	19,907	N	19,907	N
			UOH	28,382	W	29,801	W
50.	UOH335	- INSTITUTIONAL SUPPORT - WINDWARD CC					
				17.00*		17.00*	
	OPERATING		UOH	733,660	A	751,147	A
				1.00*		1.00*	

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	APPROPRIATIONS FISCAL YEAR 1990-91	M O F
			UOH	72,550	W	75,548	W
51	UOH501	- INSTRUCTION-MAUI COMMUNITY COLLEGE					
				82 00	*	82 00	*
	OPERATING		UOH	3,471,991	A	3 541,091	A
			UOH	26,090	N	26,090	N
				2 00	*	2 00	*
			UOH	238,186	W	248,003	W
	INVESTMENT CAPITAL		AGS	1,414,000	A	3,502,000	A
			AGS	935,000	C		
52	UOH502	- PUBLIC SERVICE-MAUI COMMUNITY COLLEGE					
				3 50	*	5 50	*
	OPERATING		UOH	202,735	A	239,616	A
				3 50	*	5 50	*
			UOH	554 950	B	561,964	B
53	UOH503	- ACADEMIC SUPPORT-MAUI COMMUNITY COLLEGE					
				17 00	*	17 00	*
	OPERATING		UOH	703,761	A	713,475	A
54	UOH504	- STUDENT SEVICES-MAUI COMMUNITY COLLEGE					
				14 50	*	14 50	*
	OPERATING		UOH	525,370	A	510,669	A
				2 00	*	2 00	*
			UOH	198,169	B	205,046	B
			UOH	88 000	N	88,000	N
			UOH	5 797	W	6,087	W
55	UOH505	INSTITUTIONAL SUPPORT-MAUI COMMUNITY COLLEGE					
				27 00	*	29 00	*
	OPERATING		UOH	1,427 100	A	1 453,613	A
56	UOH601	- INSTRUCTION-KAUAI COMMUNITY COLLEGE					
				62 00	*	62 00	*
	OPERATING		UOH	2,196,593	A	2,262,761	A
			UOH	1,735	N	1,735	N
				1 00	*	1 00	*
			UOH	117,156	W	122 259	W
57	UOH602	- PUBLIC SERVICE - KAUAI COMMUNITY COLLEGE					
				4 00	*	4 00	*
	OPERATING		UOH	116 124	A	116,233	A
			UOH	87,241	B	288 128	B
58	UOH603	- ACADEMIC SUPPORT-KAUAI COMMUNITY COLLEGE					
				18 00	*	20 00	*
	OPERATING		UOH	600,245	A	665 166	A
59	UOH604	- STUDENT SERVICES-KAUAI COMMUNITY COLLEGE					
				12 00	*	12 00	*

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		OPERATING	UOH	379,187	A	384,529	A
			UOH	36,000	N	36,000	N
			UOH	3,864	W	4,057	W
60.	UOH605	- INSTITUTIONAL SUPPORT - KAUAI CC					
				27.00*		29.00*	
		OPERATING	UOH	1,576,785	A	1,669,913	A
			UOH	28,024	B	29,425	B
		INVESTMENT CAPITAL	AGS	1,500,000	A	1,650,000	A
61.	UOH701	- INSTRUCTION-WEST OAHU COLLEGE					
				17.00*		17.00*	
		OPERATING	UOH	745,601	A	747,299	A
			UOH	51,719	B	51,847	B
62.	UOH703	- PUBLIC SERVICE - WEST OAHU COLLEGE					
63.	UOH704	- ACADEMIC SUPPORT-WEST OAHU COLLEGE					
				4.50*		4.50*	
		OPERATING	UOH	413,403	A	309,197	A
64.	UOH705	- STUDENT SERVICES-WEST OAHU COLLEGE					
				5.00*		5.00*	
		OPERATING	UOH	160,086	A	174,237	A
65.	UOH706	- INSTITUTIONAL SUPPORT-WEST OAHU COLLEGE					
				4.00*		4.00*	
		OPERATING	UOH	338,816	A	348,081	A
		INVESTMENT CAPITAL	AGS	200,000	A		
66.	UOH901	- ACADEMIC SUPPORT-UOH, SYSTEM-WIDE SUPPORT					
				44.50*		47.50*	
		OPERATING	UOH	5,132,085	A	5,914,747	A
			UOH	622,000	B	622,000	B
67.	UOH902	- STUDENT SERVICES-UOH, SYSTEM-WIDE SUPPORT					
		OPERATING	UOH	578,969	A	607,636	A
68.	UOH903	- INSTITUTIONAL SPPT-UOH, SYSTEM-WIDE SPPT					
				239.00*		242.00*	
		OPERATING	UOH	10,604,650	A	11,757,633	A
				6.00*		6.00*	
			UOH	338,872	B	349,921	B
69.	UOH904	- VOCATIONAL EDUCATION, STATEWIDE COORDINATION					
				7.00*		7.00*	
		OPERATING	UOH	276,929	A	281,058	A
				4.00*		4.00*	
			UOH	383,748	N	399,230	N

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	APPROPRIATIONS FISCAL YEAR 1990-91	M O F
70	UOH905	- STATEWIDE PLAN & COORD FOR POST-SECONDARY ED					
	OPERATING		UOH	1,347,102	A	1,414,457	A
71	UOH906	- COMMUNITY COLLEGE SYSTEMWIDE SUPPORT					
				65 15*		71 15*	
	OPERATING		UOH	11,182,324	A	10,423,280	A
				16 00*		16 00*	
			UOH	1,111,139	B	1,128,054	B
				19 60*		19 60*	
			UOH	1 971,937	N	2,002,034	N
				3 00*		3 00*	
			UOH	289,412	W	300,708	W
	INVESTMENT CAPITAL		AGS	1,680,000	C		
H. CULTURE AND RECREATION							
1	UOH881	- AQUARIA					
				10 00*		13 00*	
	OPERATING		UOH	527,370	A	627,856	A
2	CCA701	- HAWAII PUBLIC BROADCASTING					
				46 00*		46 00*	
	OPERATING		CCA	3,729,479	A	4,639,887	A
				1 00*		1 00*	
			CCA	1,575,696	W	1,575,696	W
	INVESTMENT CAPITAL		AGS	1,400,000	C	265,000	C
3	AGS881	- PERFORMING & VISUAL ARTS EVENTS					
				16 00*		17 00*	
	OPERATING		AGS	8,783 141	A	6 347,718	A
						1 00*	
			AGS			730,994	B
			AGS	484,000	N	500,000	N
			AGS	15 000	R	50,000	R
	INVESTMENT CAPITAL		AGS			5,700,000	A
4	AGS818	- ETHNIC GROUP PRESENTATIONS					
				1 00*		1 00*	
	OPERATING		AGS	90,036	A	90,364	A
			AGS	7,369	B	7,369	B
5	LNR804	- FOREST RECREATION					
				32 00*		38 00*	
	OPERATING		LNR	1,603,727	A	1,512,218	A
			LNR	921,102	N	527,264	N
	INVESTMENT CAPITAL		LNR	164,000	C	124,000	C
6	LNR805	- AQUATIC RECREATION					
				8 00*		8 00*	
	OPERATING		LNR	234,657	A	388,678	A
			LNR	350,758	N	377,742	N
7	LNR806	- HERITAGE & RECREATION PARKS					
				142 00*		142 00*	
	OPERATING		LNR	6,161,888	A	6,738,080	A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		INVESTMENT CAPITAL	LNR	1,510,000	A	1,250,000	A
			LNR	1,945,000	C	1,150,000	C
8.	TRN801	- OCEAN-BASED RECREATION					
				24.00	*	24.00	*
		OPERATING	TRN	783,959	A	466,669	A
				62.00	*	64.00	*
			TRN	6,024,603	B	6,658,333	B
		INVESTMENT CAPITAL	TRN	3,455,000	A		
			TRN	75,000	B		
			TRN	3,600,000	C	590,000	C
			TRN	110,000	D		
			TRN	5,630,000	N		
9.	AGS889	- SPECTATOR EVENTS & SHOWS - ALOHA STADIUM					
				37.00	*	36.00	*
		OPERATING	AGS	3,455,255	B	3,322,061	B
		INVESTMENT CAPITAL	AGS	3,000,000	A		
			AGS	3,870,000	C	13,080,000	C
10.	LNR809	- GENERAL ADMIN FOR CULTURE & RECREATION					
				22.00	*	28.00	*
		OPERATING	LNR	837,955	A	1,210,625	A
			LNR	600,000	N	600,000	N
		INVESTMENT CAPITAL	LNR	190,000	A	40,000	A
			LNR	270,000	C	475,000	C
			LNR			50,000	N
I. PUBLIC SAFETY							
1.	DOC405	- HAWAII COMMUNITY CORRECTIONAL CENTER					
				59.50	*	59.50	*
		OPERATING	DOC	2,204,858	A	2,301,998	A
2.	DOC406	- MAUI COMMUNITY CORRECTIONAL CENTER					
				55.00	*	55.00	*
		OPERATING	DOC	2,223,589	A	2,201,901	A
		INVESTMENT CAPITAL	AGS			11,700,000	A
			DOC	125,000	A		
3.	DOC407	- OAHU COMMUNITY CORRECTIONAL CENTER					
				552.10	*	570.10	*
		OPERATING	DOC	19,994,355	A	19,258,502	A
		INVESTMENT CAPITAL	AGS	43,036,000	A		
4.	DOC408	- KAUAI COMMUNITY CORRECTIONAL CENTER					
				44.50	*	44.50	*
		OPERATING	DOC	1,521,786	A	1,545,696	A
5.	DOC401	- JUVENILE CORRECTIONAL FACILITIES					
				85.50	*	85.50	*
		OPERATING	DOC	4,637,216	A	3,624,792	A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
6	DOC402	- HALAWA CORRECTIONAL FACILITY					
				466.00*		466.00*	
		OPERATING	DOC	15,219,327A		15,531,468A	
		INVESTMENT CAPITAL	AGS			265,000A	
7	DOC403	- KULANI CORRECTIONAL FACILITY					
				84.83*		84.83*	
		OPERATING	DOC	3,542,720A		3,493,000A	
		INVESTMENT CAPITAL	AGS	978,000A		1,815,000A	
8	DOC404	- WAIAWA CORRECTIONAL FACILITY					
				63.00*		63.00*	
		OPERATING	DOC	2,630,363A		2,694,618A	
9	DOC409	- WOMEN'S COMMUNITY CORRECTIONAL CENTER					
				87.00*		87.00*	
		OPERATING	DOC	3,228,022A		3,437,699A	
		INVESTMENT CAPITAL	AGS	21,351,000A			
10	DOC410	- INTAKE SERVICE CENTERS					
				40.00*		40.00*	
		OPERATING	DOC	1,446,316A		1,606,840A	
11	DOC411	- ADULT PAROLE DETERMINATIONS					
				2.00*		2.00*	
		OPERATING	DOC	162,048A		164,945A	
12	DOC413	- ADULT PAROLE SUPERVISION & COUNSELING					
				24.00*		24.00*	
		OPERATING	DOC	758,028A		785,330A	
13	DOC414	- CRIMINAL INJURIES COMPENSATION					
				3.00*		3.00*	
		OPERATING	DOC	188,734A		182,635A	
14	DOC903	- GENERAL ADMINISTRATION					
				101.00*		101.00*	
		OPERATING	DOC	6,899,673A		7,633,180A	
		INVESTMENT CAPITAL	AGS	1,500,000A		380,000A	
15	ATG231	- STATE CRIMINAL JUSTICE INFO & IDENTIFICATION					
				35.00*		37.00*	
		OPERATING	ATG	1,926,493A		1,795,876A	
16	LNR810	- PREVENTION OF NATURAL DISASTERS					
				6.00*		6.00*	
		OPERATING	LNR	290,501A		294,560A	
		INVESTMENT CAPITAL	LNR	192,000C		150,000C	
17	DEF110	- AMELIORATION OF PHYSICAL DISASTERS					

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
				147.80*		147.80*	
		OPERATING	DEF	6,951,021	A	6,993,332	A
				7.70*		7.70*	
			DEF	1,583,493	N	1,567,105	N
		INVESTMENT CAPITAL	AGS	323,000	C	677,000	C
			AGS	150,000	N	760,000	N
18.	PBS900	- GENERAL ADMINISTRATION PUBLIC SAFETY					
						154.00*	
		OPERATING	PBS			9,712,808	A
J. INDIVIDUAL RIGHTS							
1.	AGR810	- TESTING & CERTIFICATION OF CONSUMER GOODS					
				26.25*		26.25*	
		OPERATING	AGR	711,962	A	730,337	A
				26.25*		26.25*	
			AGR	958,693	N	1,028,947	N
2.	CCA102	- CABLE TELEVISION					
				4.00*		4.00*	
		OPERATING	CCA	291,542	X	291,542	X
3.	CCA103	- CONSUMER ADVOCATE FOR COMM, UTIL & TRANS SVC					
				19.00*		19.00*	
		OPERATING	CCA	1,159,663	A	1,163,216	A
4.	CCA104	- FINANCIAL INSTITUTION SERVICES					
				27.00*		32.00*	
		OPERATING	CCA	1,030,039	A	1,276,564	A
5.	CCA105	- PROFESSIONAL, VOCATIONAL & PERSONAL SVCS					
				47.00*		52.00*	
		OPERATING	CCA	1,904,219	A	1,952,240	A
6.	BUF901	- TRANSPORTATION, COMMUNICATIONS, & UTILITIES					
				35.00*		35.00*	
		OPERATING	BUF	1,659,928	A	1,666,473	A
7.	CCA106	- INSURANCE SERVICES					
				37.00*		37.00*	
		OPERATING	CCA	2,056,937	A	1,745,056	A
8.	CCA110	- OFFC OF CONSUMER PROT - ADV & TERMS OF SALE					
				25.00*		25.00*	
		OPERATING	CCA	917,230	A	928,604	A
9.	AGR812	- MEASUREMENT STANDARDS					
				22.00*		24.00*	
		OPERATING	AGR	741,444	A	1,043,370	A
		INVESTMENT CAPITAL	AGS	983,000	A		
10.	CCA111	- BUSINESS REGISTRATION					

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	APPROPRIATIONS FISCAL YEAR 1990-91	M O F
				33 00*		33 00*	
	OPERATING		CCA	910,616	A	919,854	A
				8 00*		8 00*	
			CCA	287,712	B	291,025	B
11	CCA191	- GENERAL SUPPORT-PROTECTION OF THE CONSUMER					
				59 00*		59 00*	
	OPERATING		CCA	2,321,534	A	2,399,787	A
			CCA	1,423,471	B	1,436,757	B
12	BUF151	- LEGAL ASSISTANCE IN CRIMINAL-ACTIONS					
				78 00*		84 00*	
	OPERATING		BUF	5,228,240	A	5,387,024	A
13	LNR111	- CONVEYANCES AND RECORDINGS					
				57 00*		57 00*	
	OPERATING		LNR	1,236,944	A	1,565,532	A
14	HMS888	- COMMISSION ON THE STATUS OF WOMEN					
				1 00*		1 00*	
	OPERATING		HMS	83,108	A	126,061	A
K.	**GOVERNMENT-WIDE SUPPORT**						
1	GOV100	- OFFICE OF THE GOVERNOR					
				46 00*		46 00*	
	OPERATING		GOV	3,733,626	A	4,892,556	A
	INVESTMENT CAPITAL		AGS	1,000,000	A		
			GOV	3,000,000	A		
			GOV	3,000,000	C		
2	LTG100	- OFFICE OF THE LIEUTENANT GOVERNOR					
				21 00*		21 00*	
	OPERATING		LTG	2,672,497	A	4,432,275	A
3	GOV102	- GOV - OTH POLICY DEVELOPMENT & COORDINATION					
				11 00*		11 00*	
	OPERATING		GOV	7,196,758	A	7,591,891	A
4	GOV103	- STATEWIDE PLAN AND COORDINATION					
				44 00*		44 00*	
	OPERATING		GOV	3,571,909	A	3,251,044	A
						7 00*	
			GOV	472,710	N	483,469	N
	INVESTMENT CAPITAL		BED	13,808,000	A		
			BED			11,660,000	C
			GOV	5,485,000	A		
			GOV			7,325,000	C
5	BED103	- LAND USE AND COASTAL MANAGEMENT					
				6 00*		6 00*	

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
	OPERATING		BED	362,212	A	374,322	A
6	BED104	- HAWAII COMMUNITY DEVELOPMENT AUTHORITY					
				5 00*		5 00*	
	OPERATING		BED	260,627	A	227,217	A
	INVESTMENT CAPITAL		BED	18,731,000	A	16,681,000	A
			BED			2,000 000	C
7	BUF101	- BUF - PRGM PLANNG ANALYSIS & BUDGETING					
				86 00*		88 00*	
	OPERATING		BUF	63 958,609	A	77,160 986	A
8	TAX102	- INCOME ASSESSMENT AND AUDIT					
				123 00*		124 00*	
	OPERATING		TAX	3,392,078	A	3,588,669	A
9	TAX103	- TAX COLLECTIONS ENFORCEMENT					
				97 00*		95 00*	
	OPERATING		TAX	2 454,821	A	2 383 055	A
10	TAX105	- TAX SERVICES & PROCESSING					
				104 00*		104 00*	
	OPERATING		TAX	3,981,822	A	4,011,231	A
11	TAX107	- SUPPORTING SERVICES - REVENUE COLLECTION					
				65 00*		68 00*	
	OPERATING		TAX	4,934 623	A	3,703,898	A
12	AGS101	- ACCT SYSTEM DEVELOPMENT & MAINTENANCE					
				12 00*		12 00*	
	OPERATING		AGS	663,793	A	424,750	A
13	AGS102	- EXPENDITURE EXAMINATION					
				23 00*		23 00*	
	OPERATING		AGS	839,279	A	847,885	A
14	AGS103	- RECORDING AND REPORTING					
				15 00*		15 00*	
	OPERATING		AGS	567 734	A	577,686	A
15	AGS104	- INTERNAL POST AUDIT					
				19 00*		19 00*	
	OPERATING		AGS	1,222,916	A	1,257,965	A
16	BUF110	- CASH AND DEBT MANAGEMENT					
				19 00*		19 00*	
	OPERATING		BUF	272 600,613	A	287 029,938	A
			BUF	12 200	B	11,200	B
			BUF	5 000	U	5,000	U
17	ATG100	- LEGAL SERVICES					
				198 24*		201 74*	
	OPERATING		ATG	17 267,119	A	19,588,089	A
				14 44*		14 44*	

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	APPROPRIATIONS FISCAL YEAR 1990-91	M O F
			ATG	1,891,725	N	1,901,369	N
				34 32	*	34 82	*
			ATG	2,742,484	U	2,712,613	U
18	BUF131	- ELECTRONIC DATA-PROCESSING SERVICES					
				244 00	*	253 00	*
	OPERATING		BUF	23,975,930	A	27,289,365	A
				36 00	*	36 00	*
			BUF	1,900,000	U	1,982,217	U
19	BUF161	- COMMUNICATION					
				15 00	*	15 00	*
	OPERATING		BUF	3,827,083	A	4,134,241	A
			BUF	2,566,321	U	2,889,282	U
	INVESTMENT CAPITAL		AGS	520,000	C	552,000	C
20	PER102	- WORK FORCE ATTR SELECT, CLASS, & EFFECT					
				126 00	*	129 00	*
	OPERATING		PER	14,277,876	A	14,633,668	A
			PER	500,000	U	500,000	U
21	PER191	- SUPPORTING SERVICES-PERSONNEL SERVICES					
				17 00	*	17 00	*
	OPERATING		PER	821,989	A	962,931	A
22	BUF141	- RETIREMENT					
				29 90	*	34 90	*
	OPERATING		BUF	68,716,659	A	154,377,954	A
				10 10	*	10 10	*
			BUF	515,124	S	654,180	S
23	BUF142	- HEALTH & LIFE INSURANCE BENEFITS					
				14 00	*	15 00	*
	OPERATING		BUF	653,759	A	736,095	A
24	LNR101	- PUBLIC LANDS MANAGEMENT					
				40 00	*	40 00	*
	OPERATING		LNR	1,159,566	A	2,248,574	A
	INVESTMENT CAPITAL		LNR	20,250,000	A	20,305,000	A
			LNR	1,051,000	C	766,000	C
25	AGS203	- RISK MANAGEMENT					
				4 00	*	4 00	*
	OPERATING		AGS	7,341,675	A	7,372,515	A
			AGS	615,000	U	646,000	U
26	AGS211	- LAND SURVEY					
				28 00	*	28 00	*
	OPERATING		AGS	831,620	A	834,674	A
27	AGS221	- CONSTRUCTION					
				26 00	*	26 00	*
	OPERATING		AGS	13,854,393	A	16,778,011	A
			AGS	3,500,000	U	3,600,000	U
	INVESTMENT CAPITAL		AGS	49,997,000	A	15,350,000	A
			AGS	5,000,000	B		

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	MOF	APPROPRIATIONS FISCAL YEAR 1990-91	MOF
			AGS	6,929,000	C	11,436,000	C
28.	AGS231	- CUSTODIAL SERVICES		162.50*		162.50*	
		OPERATING	AGS	7,818,562	A	8,204,279	A
			AGS	370,440	U	389,365	U
29.	AGS232	- GROUNDS MAINTENANCE		37.00*		37.00*	
		OPERATING	AGS	1,027,634	A	1,043,812	A
30.	AGS233	- BUILDING REPAIRS AND ALTERATIONS		26.00*		26.00*	
		OPERATING	AGS	4,179,622	A	4,128,131	A
31.	AGS240	- CENTRAL PURCHASING		16.00*		16.00*	
		OPERATING	AGS	453,841	A	446,136	A
			AGS	30,929	W	32,537	W
32.	AGS244	- SURPLUS PROPERTY MANAGEMENT		5.00*		5.00*	
		OPERATING	AGS	157,463	W	163,410	W
33.	AGS251	- MOTOR POOL		10.00*		10.00*	
		OPERATING	AGS	682,786	W	684,036	W
34.	AGS252	- PARKING CONTROL		15.00*		15.00*	
		OPERATING	AGS	2,162,026	W	2,052,782	W
35.	AGS111	- RECORDS MANAGEMENT		28.00*		28.00*	
		OPERATING	AGS	893,903	A	3,325,656	A
36.	ATG801	- CAPITOL BUILDING SECURITY		54.00*		54.00*	
		OPERATING	ATG	1,262,303	A	1,269,186	A
				1.00*		1.00*	
			ATG	18,528	U	18,528	U
37.	AGS901	- GENRL ADM SVCS - ACCOUNTING & GENERAL SVCS		49.00*		53.00*	
		OPERATING	AGS	1,827,787	A	1,745,446	A
38.	SUB101	- GRANTS-IN-AID TO COUNTIES					
		OPERATING	SUB	71,968,254	A		A
39.	SUB201	- CITY AND COUNTY OF HONOLULU					
		OPERATING	SUB	300,000	A	2,538,900	A
		INVESTMENT CAPITAL	CCH	5,071,000	A	3,702,000	A
40.	SUB301	- COUNTY OF HAWAII					
		OPERATING	SUB	100,000	A	100,000	A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		INVESTMENT CAPITAL	COH	8,135,000	A	7,900,000	A
41.	SUB401	- COUNTY OF MAUI					
		OPERATING	SUB	650,000	A	100,000	A
		INVESTMENT CAPITAL	COM	4,390,000	A		
42.	SUB501	- COUNTY OF KAUAI					
		OPERATING	SUB	100,000	A	100,000	A
		INVESTMENT CAPITAL	COK	3,400,000	A	2,010,000	A

SECTION 5. Part III, Act 316, Session Laws of Hawaii 1989 is amended:

(1) By amending Section 12 to read as follows:

"SECTION 12. Provided that each participating Main Street town under contract with the Historic Foundation at the end of the 1989 legislative session, and which retains the services of a full-time project manager, shall receive no less than $50,000 in fiscal year 1989-90 in the form of payments, technical assistance and/or services planned and as mutually agreed upon by Historic Hawaii and each participating town."

(2) By amending Section 13 to read as follows:

"SECTION 13. Provided that of the general fund appropriation for commerce and industry (BED 102), the sum of $330,000 in fiscal year 1989-90 and $498,000 in fiscal year 1990-91 shall be used for grant-in-aid as provided in chapter 42, Hawaii Revised Statutes and is deemed to be for a public purpose."

(3) By adding a new section to read as follows:

"SECTION 13A. Provided that of the general fund appropriation for commerce and industry (BED 102), the sum of $400,000 in fiscal year 1990-91 shall be used to establish technical assistance services available to Hawaii's businesses; provided further that the department of business and economic development shall enter into a contract with a qualified organization of the State to fulfill the stated purpose."

(4) By adding a new section to read as follows:

"SECTION 13B. Provided that of the general fund appropriation for commerce and industry (BED 102), the sum of $600,000 in fiscal year 1990-91 shall be contracted to the Pacific International Center for High Technology Research for the purpose of importing foreign technologies to benefit Hawaii industry."

(5) By amending Section 16 to read as follows:

"SECTION 16. Provided that of the general fund appropriation for the state tourism office (BED 113), the sum of $2,150,000 in fiscal year 1989-90 and

$2,850,000 in fiscal year 1990-91 shall be used for island destination marketing activities as follows:

	FY 1989-90	FY 1990-91
Hawaii	$512,000	$612,000
Kauai	$450,000	$450,000
Maui	$782,000	$782,000
Oahu	$256,000	$756,000
Molokai	$150,000	$150,000
Lanai		$100,000

provided further that the department of business and economic development shall enter into separate contracts with qualified island destination marketing associations or organizations for the purpose of this section; provided further that of the $612,000 appropriation for island destination Hawaii, $100,000 shall be used to assist Destination Hilo in its efforts to stimulate tourism activity to East Hawaii."

(6) By amending Section 22 to read as follows:

"SECTION 22. Provided that of the general fund appropriation for state tourism office (BED 113), the sum of $125,000 in fiscal year 1990-91 shall be used for activities which will build attendance for the 1993 Pacific Asia Travel Association (PATA) International Conference in Hawaii; provided further that a report shall be submitted to include but not be limited to:

(1) a detailed description of the status of the activities completed and in progress for the 1993 conference;
(2) a detailed budget and description of additional activities that need to be completed to host the 1993 conference; and
(3) the economic impact or value of Hawaii's tourist industry;

provided further that the department of business and economic development shall submit this report to the legislature twenty days prior to the convening of the 1991 regular session."

(7) By amending Section 25 to read as follows:

"SECTION 25. Provided that of the general fund appropriation for state tourism office (BED 113), the sum of $3,000,000 in fiscal year 1989-90 and $3,000,000 in fiscal year 1990-91 shall be expended for advertising, promotion and literature; provided further that preference be given to the thirteen western states of the United States and the three western Canadian provinces."

(8) By amending Section 27 to read as follows:

"SECTION 27. Provided that the department of business and economic development may expend general funds appropriated to the state tourism office (BED 113), for changing market conditions in the event of serious economic downturns which may negatively impact the state tourism industry; provided that funds expended for this purpose shall not exceed $280,000 for fiscal year 1989-90 and $280,000 for fiscal year 1990-91; provided further that funds for this purpose shall not be incorporated into any pre-existing Hawaii visitors bureau contract; provided further that the department of business and economic development shall prepare and submit a report describing each event which results in

the expenditure of these funds, the amount and purpose of expenditures by event, and the program plans and strategies used to respond to each event "

(9) By adding a new section to read as follows

"SECTION 29A Provided that of the general fund appropriation for state tourism office (BED 113), the sum of $25,000 in fiscal year 1990-91 shall be used to provide planning assistance for the second global conference "

(10) By adding a new section to read as follows

"SECTION 29B Provided that when entering into contracts with tourism marketing associations and organizations for the purpose of tourism advertising, promotion, and marketing activities, the department of business and economic development shall provide allowances for advance payments, provided further that the department of business and economic development shall also make every effort to provide for the prompt payment of invoices subject only to the limitations as provided in Chapters 37, 40, 42, Hawaii Revised Statutes, as applicable."

(11) By adding a new section to read as follows

"SECTION 38A Provided that of the general fund appropriation for plant pest control (AGR 122), the sum of $18,000 in fiscal year 1990-91 shall be used for the purchase of a seed harvester, provided further that the department of agriculture shall enter into a cooperative agreement for the use of this harvester with the United States Department of Agriculture's Plant Material Center's Soil Conservation Service "

(12) By adding a new section to read as follows

"SECTION 40A Provided that of the general fund appropriation for animal quarantine (AGR 131), the sum of $139,000 in fiscal year 1990-91 shall be used to conduct a one-year statewide rabies research and planning study to collect baseline animal serological data, provided further that the study shall include, but not be limited to, a rabies serosurvey of mongooses, and a rabies serosurvey of dogs and cats entering quarantine, provided further that the department of agriculture shall also establish and operate a statewide program to monitor the health of unvaccinated dogs and cats in order to detect the outbreak of rabies, provided further that the department of agriculture shall submit its findings of the baseline serological study and a progress report on the statewide monitoring program for unvaccinated dogs and cats to the legislature not less than twenty days prior to the convening of the 1992 regular session."

(13) By adding a new section to read as follows

"SECTION 40B Provided that of the general fund appropriation for animal quarantine (AGR 131), the sum of $50,000 in fiscal year 1990-91 shall be used to create an education program to increase the public's understanding of rabies and how it is transmitted, to explain the role of the world health organization and other international, federal, and state programs in monitoring and controlling the spread of the disease, and to emphasize the importance of Hawaii's "specified rabies-free status," provided further that these funds shall be

expended by the department of agriculture through a contract with the Hawaii humane society."

(14) By amending Section 44 to read as follows:

"SECTION 44. Provided that of the general fund appropriation for distribution systems improvement for agriculture (AGR 151), the sum of $50,000 in fiscal year 1989-90 and $50,000 in fiscal year 1990-91 shall be used for the advertising and promotion of milk produced in Hawaii; provided further that no funds shall be made available under this Act unless matched on a dollar-for-dollar basis by the fresh milk industry of Hawaii."

(15) By amending Section 48 to read as follows:

"SECTION 48. Provided that of the general fund appropriation for distribution systems improvement for agriculture (AGR 151), the sum of $100,000 in fiscal year 1989-90 and $50,000 in fiscal year 1990-91 shall be expended for the purpose of promoting and conducting marketing related activities of Hawaiian grown coffee, which is deemed to be a public purpose; provided further that no funds shall be expended under this Act unless matched dollar-for-dollar by private contributions."

(16) By adding a new Section to read as follows:

"SECTION 48A. Provided that of the general fund appropriation for distribution systems improvement for agriculture (AGR 151), the sum of $50,000 in fiscal year 1990-91 shall be used for promotion of Hawaiian papayas in Japan; provided further that no funds shall be made available under this Act unless matched dollar-for-dollar by private contributions."

(17) By adding a new section to read as follows:

"SECTION 48B. Provided that of the general fund appropriation for distribution systems improvement for agriculture (AGR 151), the sum of $300,000 in fiscal year 1990-91 shall be used for the promotion and marketing of fresh Hawaiian pineapple; provided further that no funds shall be made available under this Act unless matched dollar-for-dollar by private contributions."

(18) By amending Section 52 to read as follows:

"SECTION 52. Provided that of the general fund appropriation for employment and training programs (LBR 131), the sum of $250,000 in fiscal year 1989-90 and $250,000 in fiscal year 1990-91 shall be used for the aloha state specialized employment training program (ASSET); provided further that the department of labor and industrial relations shall submit a report to the legislature on the program's effectiveness in achieving stated goals not less than twenty days prior to the convening of the 1990 and 1991 regular sessions."

(19) By amending Section 53 to read as follows:

"SECTION 53. Provided that of the general fund appropriation for employment and training programs (LBR 131), the sum of $300,000 in fiscal year 1989-90 and $150,000 in fiscal year 1990-91 shall be used for the training of Hawaii residents in high demand occupations; provided further that the depart-

ment of labor and industrial relations shall submit a report to the legislature on the program's effectiveness in achieving the stated goals not less than twenty days prior to the convening of the 1990 and 1991 regular sessions "

(20) By amending Section 55 to read as follows

"SECTION 55 Provided that of the general fund appropriation for vocational rehabilitation (HMS 802), the sum of $1,135,839 in fiscal year 1989-90 and $1,367,655 in fiscal year 1990-1991 and of the federal funds authorized, the sum of $503,640 in fiscal year 1989-90 and $507,236 in fiscal year 1990-91 shall be used for purchases of service for vocational rehabilitation as provided in Chapter 42, Hawaii Revised Statutes, which the legislature finds to be for a public purpose "

(21) By amending Section 57 to read as follows

"SECTION 57 Provided that of the general fund appropriation for office of community services (LBR 903), the sum of $2,770,176 in fiscal year 1989-90 and $3,192,627 in fiscal year 1990-91 shall be used for purchase of service, provided further that of the federal funds authorized for the program (LBR 903), the sum of $1,314,975 in fiscal year 1989-90 and $1,314,975 in fiscal year 1990-91 shall be used for purchases of service as provided in chapter 42, Hawaii Revised Statutes and deemed to be for a public purpose "

(22) By amending Section 58 to read as follows

"SECTION 58 Provided that of the general fund appropriation for office of community services (LBR 903), the sum of $2,740,735 in fiscal year 1989-90 and $4,205,855 in fiscal year 1990-91 shall be used for a grant-in-aid, as provided in chapter 42, Hawaii Revised Statutes which is deemed to be for a public purpose "

(23) By adding a new section to read as follows

"SECTION 58A Provided that of the total appropriation for office of community services (LBR 903), funds shall be expended for social services to culturally alienated, non-English speaking, and low-income immigrants, provided further that priority for the provision of these services shall be given to the Palolo/Kaimuki/Kapahulu area of east Oahu and to other areas with high concentrations of alienated immigrant residents "

(24) By adding a new section to read as follows

"SECTION 60A Provided that of the special fund appropriation for the Honolulu international airport facilities and services (TRN 102), the sum of $300,000 in fiscal year 1990-91 shall be expended to determine the feasibility of a flight training program and facility in Hawaii which includes, but is not limited to, an airline flight simulator "

(25) By adding a new section to read as follows

"SECTION 62A Provided that of the special fund appropriation for air transportation facilities and services support (TRN 195), the sum of $200,000, in fiscal year 1990-91, shall be used to conduct an independent audit on the use of

consultants for the project management function of the capital improvement projects program which includes, but is not limited to, an analysis of the cost, efficiency, effectiveness, and equity, of the practice. This report shall be submitted to the legislature no less than twenty days prior to the convening of the 1991 regular session."

(26) By adding a new section to read as follows:

"SECTION 62B. Provided that to ensure the airport special fund is maintained for future generations any bonds issued by the airports division (TRN 195), for the purpose of maintaining or improving airport facilities shall not be issued unless the bond rating is no less than A as defined by Moody's and A- as defined by Standard and Poor's."

(27) By adding a new section to read as follows:

"SECTION 63A. Provided that of the special fund appropriation for water transportation (TRN 395), the sum of $60,000 in fiscal year 1990-91 shall be used to fund the equipment needs that were developed at the workers conferences."

(28) By adding a new section to read as follows:

"SECTION 64A. Provided that the department of transportation shall prepare a report on the work output of the advance planning and the planning, systems, and studies sections of the highway planning branch and the work output of the statewide transportation planning office (TRN 595); provided further that the report shall include, but not be limited to the numbers, types, and descriptions of reports, studies, analysis, reviews completed, and the work performed; provided further that this report shall be submitted biennially to the legislature not less than twenty days prior to the convening of the 1991 regular session."

(29) By adding a new section to read as follows:

"SECTION 67A. Provided that in order to determine if the department of transportation is appropriately expending funds appropriated under this Act to special maintenance projects, the department of transportation shall submit an expenditure report on the usage of the special maintenance projects appropriation; provided further that this status report shall include, but not be limited to, a summary of expenditures for each program ID receiving special maintenance project funding and include detailed descriptions of the type of project, the amount of funding allocated per project, and detailed comprehensive justification for funds unexpended per project; provided further that the special fund appropriation for special maintenance projects shall be used for this purpose and shall not be transferred for any other use; provided further that this report shall be submitted to the legislature no less than twenty days prior to the convening of the 1991 regular session."

(30) By adding a new section to read as follows:

"SECTION 70A. Provided that the department of land and natural resources (LNR 906), may advance up to $250,000 to the community assistance fund that will be administered by the county of Hawaii to assist in mitigating proven harmful effects resulting from geothermal development activities; pro-

vided further that the revenues from the sale of steam from the HGP-A well shall be utilized to reimburse the department of land and natural resources for the amount advanced "

(31) By adding a new section to read as follows

"SECTION 72A Provided that of the federal funds appropriated for Hansen's disease (HTH 111), the sum of $1,303,000 in fiscal year 1990-91 shall be expended to address the immediate needs identified in the pacific basin development council study for the program transition of the Kalaupapa facility from the department of health to the National Park Service, United States Department of the Interior "

(32) By amending Section 73 to read as follows

"SECTION 73 Provided that of the general fund appropriation for sexually transmitted diseases (HTH 121), the sum of $727,839 in fiscal year 1989-90 and $2,347,559 in fiscal year 1990-91 shall be used for purchase of service as provided in Chapter 42, Hawaii Revised Statutes, and which is deemed to be for a public purpose "

(33) By adding a new section to read as follows

"SECTION 74A Provided that of the general fund appropriation for other communicable diseases (HTH 131), the sum of $375,000 for fiscal year 1990-91 shall be expended for the treatment of chronic viral hepatitis with interferon, provided further that the department of health shall contract with the Hawaii Medical Association for the purpose "

(34) By adding a new section to read as follows

"SECTION 74B Provided that of the general fund appropriation for dental diseases (HTH 141), the sum of $45,000 in fiscal year 1990-91 shall be used for grant-in-aid as provided in chapter 42, Hawaii Revised Statutes, relating to treatment for dental diseases, which the legislature finds to be for a public purpose "

(35) By amending Section 82 to read as follows

"SECTION 82 Provided that of the general fund appropriation for health care services (HTH 801), the sum of $4,494,240 in fiscal year 1989-90 and $5,143,472 in fiscal year 1990-91 shall be used for purchase of service and of the federal funds authorized for that program (HTH 801), the sum of $275,047 in fiscal year 1989-90 and $280,366 in fiscal year 1990-91 shall be used for purchase of service as provided in Chapter 42, Hawaii Revised Statutes, and which is deemed to be for a public purpose "

(36) By amending Section 83 to read as follows

"SECTION 83 Provided that of the general fund appropriation for health care services (HTH 801), the sum of $125,000 in fiscal year 1989-90 and $335,000 in fiscal year 1990-91 shall be used for grants-in-aid as provided in Chapter 42, Hawaii Revised Statutes, relating to health care services, which the legislature finds to be for a public purpose "

(37) By amending Section 87 to read as follows:

"SECTION 87. Provided that of the general fund appropriation for community based services for mental health (HTH 401), the sum of $9,174,192 in fiscal year 1989-90 and $11,634,735 in fiscal year 1990-91 shall be used for purchase of service and of the federal funds authorized for that program (HTH 401), the sum of $2,127,002 in fiscal year 1989-90 and $2,126,148 in fiscal year 1990-91 shall be used for purchase of service as provided in Chapter 42, Hawaii Revised Statutes, and which is deemed to be for a public purpose."

(38) By amending Section 88 to read as follows:

"SECTION 88. Provided that of the general fund appropriation for community based services for mental health (HTH 401), the sum of $547,391 in fiscal year 1989-90 and $1,847,908 in fiscal year 1990-91 shall be used for a grant-in-aid as provided in Chapter 42, Hawaii Revised Statutes, which is deemed to be for a public purpose."

(39) By amending Section 89 to read as follows:

"SECTION 89. Provided that of the general fund appropriation for community based services for the developmentally disabled and mentally retarded (HTH 501), the sum of $5,660,527 in fiscal year 1989-90 and $6,373,195 in fiscal year 1990-91 shall be used for purchase of service as provided in Chapter 42, Hawaii Revised Statutes, and/or match funds for Medicaid community based programs, which is deemed to be for a public purpose."

(40) By adding a new section to read as follows:

"SECTION 89A. Provided that of the special fund appropriation for the community based services for the developmentally disabled and mentally retarded (HTH 501) the sum of $131,000 shall be used for the preadmission and annual resident review (PASSAR) process required by the Medicaid Program."

(41) By adding a new section to read as follows:

"SECTION 90A. Provided that of the special fund appropriation for Waimano training school and hospital (HTH 511) the sum of $668,000 shall be used for the Title XIX waivered community program, home and community based services."

(42) By repealing Section 98.

(43) By amending Section 99 to read as follows:

"SECTION 99. Provided that of the general fund appropriation for general administration (HTH 907), the sum of $140,000 in fiscal year 1989-90 and $524,600 in fiscal year 1990-91 shall be used for grants-in-aid as provided in Chapter 42, Hawaii Revised Statutes, relating to health services which the legislature finds to be for a public purpose."

(44) By amending Section 100 to read as follows:

"SECTION 100. Provided that of the general fund appropriation for private hospitals and medical services (SUB 601), the sum of $400,000 in fiscal year 1989-90 and $525,000 in fiscal year 1990-91 shall be used for grants-in-aid as

provided in chapter 42, Hawaii Revised Statutes, relating to private hospitals and medical services, which the legislature finds to be for a public purpose."

(45) By amending Section 103 to read as follows.

"SECTION 103 Provided that of the general fund appropriation for services to individuals and families (HMS 111), the sum of $8,682,413 in fiscal year 1989-90 and $9,789,939 in fiscal year 1990-91 and of the federal funds authorized for that program (HMS 111), the sum of $3,192,521 in fiscal year 1989-90 and $3,192,521 in fiscal year 1990-91 shall be used to provide services, which the legislature finds to be for a public purpose, to individuals and families through purchase of service agreements under Chapter 42, Hawaii Revised Statutes."

(46) By amending Section 104 to read as follows

"SECTION 104 Provided that of the general fund appropriation for services to individuals and families (HMS 111), the sum of $971,267 in fiscal year 1989-90 and $1,918,858 in fiscal year 1990-91 shall be used to provide services, which the legislature finds to be for a public purpose, to individuals and families through grants-in-aid as provided for in Chapter 42, Hawaii Revised Statutes."

(47) By adding a new section to read as follows

"SECTION 107A Provided that, in order to determine if the department of human services is properly expending moneys, including federal funds, appropriated for the rental housing augmentation and assistance program (HMS 220), the legislative auditor shall conduct a financial and management audit of the Hawaii housing authority's repair and maintenance program, which shall include, but not be limited to, assessing the department's methodology in identifying program needs, its short-term and long-term plans, and the department's effectiveness in meeting those needs, provided further that the legislative auditor shall submit a report of findings and recommendations twenty days prior to the convening of the 1991 regular session."

(48) By adding a new section to read as follows

"SECTION 107B. Provided that of the general fund appropriation for rental housing augmentation and assistance (HMS 220), the sum of $210,000 in fiscal year 1990-91 shall be expended to implement a pilot security project at Makua Alii, Paoakalani, and Kalakaua mid-rise projects."

(49) By adding a new section to read as follows

"SECTION 107C Provided that of the general fund appropriation for housing assistance administration (HMS 229), the sum of $1,365,375 in fiscal year 1990-91 shall be used to provide services the legislature finds to be for a public purpose, for housing assistance administration, through grants-in-aid as provided in chapter 42, Hawaii Revised Statutes."

(50) By amending Section 108 to read as follows

"SECTION 108 Provided that of the general fund appropriation for private housing development and ownership (BUF 225), the sum of $1,244,900

in fiscal year 1989-90 and $544,100 in fiscal year 1990-91 shall be used to provide services, which the legislature finds to be for a public purpose, to private housing development, through grants-in-aid as provided for in Chapter 42, Hawaii Revised Statutes."

(51) By adding a new section to read as follows:

"SECTION 108A. Provided that of the general fund appropriation for private housing development and ownership (BUF 225), the sum of $200,000 in fiscal year 1990-91 shall be used by the housing finance and development corporation for low-interest loans for self-help home construction for holders of Milolii state leases; provided further that the sum of $100,000 in fiscal year 1990-91 shall be used by the housing finance and development corporation for low-interest loans for self-help home construction for holders of Kalawahine state leases; provided further that each loan under this appropriation and any prior appropriation shall not exceed $25,000; provided further that the loans are to be used by eligible recipients for the purpose of home construction; purchasing appliances; floor covering; wall paneling; compost toilets; rain gutters; or any other expenses related to the repair, maintenance or improvements of the lessee's home constructed under the Milolii and Kalawahine self-help program; and provided further that the Milolii leases awarded by the department of land and natural resources in the third increment shall be first to those who presently do not own a home and meet the state department of labor and industrial relations poverty income criteria."

(52) By adding a new section to read as follows:

"SECTION 108B. provided that of the general fund appropriation for the housing finance program (BUF 227), the sum of $12,000,000 in fiscal year 1990-91 shall be deposited into the rental assistance revolving fund."

(53) By amending Section 110 to read as follows:

"SECTION 110. Provided that of the general fund appropriation for health care payments (HMS 230), the sum of $149,254 in fiscal year 1989-90 and $185,845 in fiscal year 1990-91 shall be expended for the foster family community waiver program, as approved by the United States health care financing administration, to provide community-based alternatives for frail and vulnerable elders on the islands of Oahu and Maui; provided further that the appropriated funds maybe used to augment resources of Hale Makua in order to initiate the waiver program services on Maui; provided further that of the federal funds authorized for that program (HMS 230), the sum of $127,142 in fiscal year 1989-90 and $158,313 in fiscal year 1990-91 shall be expended for the foster family community care waiver program, as approved by the United States Health Care Financing Administration, to provide additional community-based alternatives for frail and vulnerable elders on the islands of Oahu and Maui; provided further that funds may be used to augment resources of Hale Makua in order to initiate the waiver program services on Maui."

(54) By repealing Section 111 to read as follows:

(55) By adding a new section to read as follows:

"SECTION 114A Provided that of the total authorized permanent or temporary income maintenance worker positions for eligibility determination (HMS 236), in fiscal year 1990-91 for the island of Hawaii, at least one income maintenance worker position shall be assigned to assist in the expansion of the medicaid program "

(56) By adding a new section to read as follows

"SECTION 114B Provided that of the total authorized permanent or temporary income maintenance worker positions for eligibility determination (HMS 236), in fiscal year 1990-91 for the island of Oahu, at least four income maintenance worker positions shall be assigned to assist in the expansion of the medicaid program "

(57) By amending Section 120 to read as follows

"SECTION 120 Provided that of the general fund appropriation for elderly (GOV 602), the sum of $40,000 in fiscal year 1989-90 and $230,547 in fiscal year 1990-91 shall be to provide services which the legislature finds to be for a public purpose, to the elderly, through grants-in-aid as provided in Chapter 42, Hawaii Revised Statutes "

(58) By amending Section 121 to read as follows

"SECTION 121 Provided that of the general fund appropriation for elderly (GOV 602), the sum of $4,192,778 in fiscal year 1989-90 and $4,444,825 in fiscal year 1990-91 shall be to provide services which the legislature finds to be for a public purpose, to the elderly, through purchase of service agreements as provided in Chapter 42, Hawaii Revised Statutes "

(59) By adding a new section to read as follows

"SECTION 125A Provided that of the general fund appropriation for general support for public welfare (HMS 903), the sum of $1,346,605 in fiscal year 1990-91 shall be expended for the job opportunities and basic skills program, provided further that in order to ensure the proper expenditure of appropriated funds, the department of human services shall submit quarterly status reports to the legislature on the progress and effectiveness of the program provided further that the reports shall include, but not be limited to

(1) A detailed breakdown of expenditures for the first half of fiscal year 1990-91,
(2) Estimated expenditures for the second half of fiscal year 1990-91, and
(3) Any future expenditures projected for the program,

provided further that the second quarterly report shall be submitted to the legislature no later than twenty days prior to the convening of the 1991 regular session "

(60) By adding a new section to read as follows

"SECTION 125B Provided that of the general fund appropriation for general administration (HMS 904), the sum of $200,000 in fiscal year 1990-91 shall be expended for a loan deposit project and provided further that the legislative auditor shall evaluate the effectiveness of the project and shall submit

the results of the evaluation to the legislature twenty days prior to the convening of the 1991 regular session."

(61) By adding a new section to read as follows:

"SECTION 125C. Provided that of the general fund appropriation for general administration (HMS 904), the sum of $75,000 shall be expended to provide the necessary administrative support to the Waianae coast; provided further that of the amount appropriated, $5,000 shall be expended for management services furnished by the department of human services."

(62) By amending Section 126 to read as follows:

"SECTION 126. Provided that the amounts shown for regular instruction (EDN 105) are intended for regular instruction student enrollment projections of 159,723 for fiscal year 1989-90 and 161,613 for fiscal year 1990-91; provided further that the amounts shown for special education (EDN 107) are intended for special education enrollment projections of 9,286 for fiscal year 1989-90 and 10,472 for fiscal year 1990-91."

(63) By adding a new section to read as follows:

"SECTION 128A. Provided that of the general fund appropriation for regular instruction (EDN 105), the sum of $3,522,636 and 169.00 positions in fiscal year 1990-91 shall be expended for the department of education's (DOE) policy to reduce student teacher ratio in grade two from 26.15 students to 1 teacher to 20 students to 1 teacher; provided further that in the event a school does not have extra classrooms to lower the class size to 20 students, then the allocation of these positions shall follow the DOE's class size reduction program for kindergarten and first grade and the early provisions for school success program (EPSS); provided further that the reduction of grade two classes shall be implemented no later than the beginning of the 1990 school year; provided further that the positions and funds shall be utilized only for instructional or direct services of grade two students; provided further that the DOE shall conduct a study to analyze the implementation of class size reduction by looking at the repercussions of keeping the decision making authority at the departmental level versus the school level; provided further that since many schools are unable to actually reduce the class size due to physical limitations, the DOE will provide a CIP cost estimate to reflect resources needed to actually reduce the class size to 20 students for kindergarten to grade three, provided further that the DOE shall examine alternate means of enhancing the classroom environment to determine what measures will directly benefit the students; provided further that should the DOE determine that the school level is the optimum place for such a decision, general guidelines will be developed so that students throughout the state are exposed to similar equitable opportunities; provided further that the DOE shall submit this report, along with details on how class size reduction was implemented for grade two, to the legislature not less than twenty days prior to the convening of the 1991 regular session."

(64) By amending Section 130 to read as follows:

"SECTION 130. Provided that of the general fund appropriation for other regular instruction (EDN 106), the sum of $35 per pupil school priority fund allocation shall be allocated to the school districts; provided further that no

funds shall be withheld or restricted by the superintendent of education, provided further that in order to determine if the department of education is appropriately expending funds, the department of education shall submit an expenditure report on the usage of the school priority fund to the legislature not less than twenty days prior to the convening of the 1991 regular session, provided further that the expenditure report shall include, but not be limited to a summary of expenditures per school to include object code and a short description "

(65) By amending Section 134 to read as follows

"SECTION 134 Provided that of the general fund appropriation for other regular instruction (EDN 106), the sum of $150,000 in fiscal year 1989-90 and $253,040 in FY 1990-91 shall be used for grants-in-aid as provided in Chapter 42, Hawaii Revised Statutes, relating to services for other regular instruction, which the legislature finds to be a public purpose "

(66) By adding a new section to read as follows

"SECTION 137A Provided that of the general fund appropriation for regular instruction (EDN 106), the sum of $290,689 and one position in fiscal year 1990-91 shall be expended to continue the consortium with the East-West center for teaching Asia and Pacific in the schools (CTAPS) program, provided further that the department of education shall evaluate the effectiveness of this program and shall submit the results of the evaluation to the legislature not less than twenty days prior to the convening of the 1991 regular session '

(67) By adding a new section to read as follows

"SECTION 137B Provided that of the general fund appropriation for other regular instruction (EDN 106), the sum of $587,000 in fiscal year 1990-91 shall be expended for the following

1 $60,000 (inlcuding $10,000 for computer aided drafting and design) and $175,000 to continue team teaching projects at Campbell and Castle high schools respectively,
2 $25,000 for an aquaculture project at Kahuku high school,
3 $252,000 and $25,000 to continue the middle schools project in the Honolulu district and Konawaena intermediate respectively,
4 $25,000 and $25,000 to establish pilot projects at Kapaa and Honaunau elementary schools respectively to develop schools-within-schools programs and simultaneous school revitalization featuring down-scaling, increased personalization of the school s environments, and teacher collaboration and acceptance of leadership roles "

(68) By adding a new section to read as follows

"SECTION 137C Provided that of the general fund appropriation for other regular instruction (EDN 106), the sum of $6,000 in fiscal year 1990-91, shall be expended for a half-time temporary educational assistant position for the immigrant acculturation program at Lanai school in-school and parent home environments '

(69) By amending Section 139 to read as follows

"SECTION 139. Provided that of the general fund appropriation for special education (EDN 107), the sum of $161,200 in fiscal year 1989-90 and $189,000 in fiscal year 1990-91 shall be used for grants-in-aid as provided in Chapter 42, Hawaii Revised Statutes, relating to services for special education, which the legislature finds to be a public purpose."

(70) By adding a new section to read as follows:

"SECTION 139A. Provided that of the general fund appropriation for special education (EDN 107), the sum of $5,000 in fiscal year 1990-91 shall be expended for the printing of special education brochures for annual distribution."

(71) By adding a new section to read as follows:

"SECTION 140A. Provided that of the general fund appropriation for compensatory education (EDN 108), the sum of $132,500 in fiscal year 1990-91 shall be used to pilot an in-school suspension program at ten schools; provided further that the department of education shall evaluate the effectiveness of the in-school suspension program and shall submit the results of the evaluation to the legislature not less than twenty days prior to the convening of the 1991 regular session."

(72) By adding a new section to read as follows:

"SECTION 141A. Provided that of the general fund appropriation for school administration (EDN 203), the sum of $1,238,940 and 55 positions in fiscal year 1990-91 shall be expended for 30 vice principals and 25 general aides to be allocated to schools with enrollments of more than 550 students and do not currently have a vice principal; provided further that the department of education shall submit an evaluation report to show how the vice principals and the general aides were distributed, along with project status, to the legislature not less than twenty days prior to the convening of the 1991 regular session."

(73) By adding a new section to read as follows:

"SECTION 141B. Provided that of the general fund appropriation for school administration (EDN 203), the sum of $155,468 for fiscal year 1990-91 shall be expended to contract diagnostic services from the private sector if the department of education cannot complete the special education evaluations within the eighty day time limit."

(74) By adding a new section to read as follows:

"SECTION 141C. Provided that of the general fund appropriation for instructional media (EDN 204), the sum of $382,200 and 25 positions shall be expended for the establishment of library assistants to provide clerical support to school libraries; provided further that in the allocation of positions, priority shall be on elementary schools that have no assistants and whose enrollment exceeds 1,000 students; provided further that the department of education be required to report on the allocations of these positions not less than twenty days prior to the convening of the 1991 regular session."

(75) By adding a new section to read as follows:

"SECTION 141D Provided that of the general fund appropriation for instructional development (EDN 205), the sum of $384,489 and three positions for fiscal year 1990-91 shall be expended for social studies curriculum improvement, provided further that the department of education shall evaluate the effectiveness of having social studies resource teachers and their effect on curriculum improvement and submit the results of the evaluation to the legislature not less than twenty days prior to the convening of the 1991 regular session."

(76) By adding a new section to read as follows

"SECTION 142A Provided that of the general fund appropriation for student activities (EDN 207), the sum of $200,000 in fiscal year 1990-91 shall be used for grants-in-aid as provided in chapter 42, Hawaii Revised Statutes, relating to services for special education, which the legislature finds to be a public purpose."

(77) By adding a new section to read as follows

"SECTION 143A Provided that in order to determine whether the department of education (DOE) is appropriately and efficiently expending funds appropriated under this Act to state administration (EDN 303), the legislative auditor is requested to conduct a study of the financial management system (FMS) and the student information and program management system (SIPMS) that will examine the projects in their totality, identify areas of concern if they are present, and provide feasible and practical alternatives to allow the project(s) to meet its goals, provided further that this study shall include, but not be limited to

(1) A review of the plans and planning effort of the DOE for FMS and SIPMS,
(2) A review of the implementation of FMS to include, but not be limited to
    (A) The selection of software,
    (B) Selection of types and capability of equipment,
    (C) An assessment of the work provided from the consultants hired,
    (D) The revision of implementation plans for FMS in light of unforeseen and unbudgeted circumstances, the repercussions these circumstances have caused and the appropriateness and effectiveness of the revised plans,
(3) A review of the relationship between the FMS system and the proposed SIPMS project, to include any plans for integration of these systems,
(4) A report on past funding and expenditures for both systems and projections of total fiscal impact for both systems,
(5) A review to assure compliance to applicable state laws,

provided further that should the auditor have a serious concern about a flaw with any respect of core planning or implementation that has or will result in substantial negative fiscal or operational impact, that the auditor shall suggest methods by which the negative impact can be corrected or minimized, provided further that the auditor shall provide the legislature with suggested guidelines on how to better review large comprehensive computer applications, to include suggestions on possible prerequisite work that must be provided prior to full consideration of an executive request in this area, provided further that the office

of the legislative auditor shall submit a report of its findings and recommendations to the legislature at least twenty days prior to the convening of the 1991 regular session."

(78) By adding a new section to read as follows:

"SECTION 143B. Provided that in order to identify all viable and proper forms of potential state revenues, the department of education, state administration (EDN 303), shall conduct an assessment of the amounts of funds that would be collected if all school employees, other state personnel and students that park on state school property, were assessed parking fees equivalent to those fees charged to their state employees for comparable parking arrangements; provided further that if the DOE determines that the regular state parking fee schedule is inappropriate for this purpose, that the DOE shall provide an alternative fee schedule, and also fully outline their reasons as to why the current fee schedule is considered inappropriate for this application; provided further that the DOE shall provide a prioritized listing of contemplated uses of these fees; provided further that the DOE shall submit this information not less than twenty days prior to the convening of the 1991 regular session."

(79) By adding a new section to read as follows:

"SECTION 144A. Provided that of the general fund appropriation for district administration (EDN 304), the sum of $59,963 and two positions shall be expended to establish one deputy district superintendent and one secretary which shall be assigned to provide service to and supervision of the West Hawaii schools; provided further that the deputy district superintendent shall provide direct supervision of the (16) resource personnel based in and assigned to the West Hawaii area; and provided further that the department of education shall submit a report on the progress of the creation of a separate, second school district for the island of Hawaii, not less than twenty days prior to the convening of the 1991 regular session."

(80) By adding a new section to read as follows:

"SECTION 145A. Provided that of the general fund appropriation for physical plant operations and maintenance (AGS 807), the department of accounting and general services shall conduct a study on the definition of emergency repairs to determine if the current definition is too narrow in scope; provided further that if DAGS determines that the definition of emergency repairs is too restrictive, a revision of the definition shall be made; provided further that DAGS shall also evaluate the categorization of repairs within the "others" category to assess the possibility of prioritizing the items that fall into this category so that the crucial repairs that do not qualify as an emergency can be performed first; and provided further that DAGS shall submit the results of this study not less than twenty days prior to the convening of the 1991 regular session."

(81) By adding a new section to read as follows:

"SECTION 145B. Provided that of the general fund appropriation for public libraries (EDN 407), the sum of $500,000 for fiscal year 1990-91, shall be used for outreach services to meet the needs of special populations and services,

including, but not limited to Hawaiians, young adults, illiterates, and children from birth to five years of age "

(82) By adding a new section to read as follows

"SECTION 145C Provided that of the general fund appropriation for public libraries (EDN 407), the sum of $127,544 for fiscal year 1990-91 shall be expended to support a library for the blind and physicaly handicapped, provided further that $20,724 shall be expended for a coordinator position, $6,820 for a stereo copier, and $100,000 for a radio reading service "

(83) By adding a new section to read as follows

"SECTION 145D Provided that of the general fund appropriation for public libraries (EDN 407), the sum of $10,000 in fiscal year 1990-91 shall be expended for the purchase of books for distribution to parents, provided further that books may be purchased and distributed at free or reduced prices to encourage reading by both parents and children, provided further that the distribution of books shall take place within a systematic program which will

(1) Select sites to meet with parents of preschool children to
   A Help parents to select appropriate books,
   B Encourage parents to spend more time reading with their children,
   C Help parents and children to experience the satisfaction and pleasure in sharing books, and
(2) Distribute appropriate books to parents to read to their children "

(84) By amending Section 146 to read as follows

"SECTION 146 Provided that of the general fund appropriation for the university of Hawaii, the sum of $13,665,397 in fiscal year 1989-90 and $12,930,637 in fiscal year 1990-91 shall be expended for nonrecurring repair and maintenance projects in the following institutional support programs

PROGRAM ID	FY 1989-90	FY 1990-91
UOH 106	$10,091,000	$ 9,807,000
UOH 216	1,030,000	905,000
UOH 906	2,544,397	2,218,637

provided further that in the implementation of this requirement, the university of Hawaii may use its present staff, student help, and other such temporary personnel pursuant to section 76-16, Hawaii Revised Sttutes, provided further that unless otherwise prohibited by law, the university of Hawaii may make expenditures and enter into contracts for necessary equipment, supplies, materials, labor, and professional services, and technical assistance to satisfy the objectives of this appropriation, provided further that in order to ensure the proper expenditure of appropriated funds the university of Hawaii shall submit a report to the legislature on the expenditure of these funds not less than twenty days prior to the convening of the 1990 and 1991 regular sessions

(85) By adding a new section to read as follows

"SECTION 148A Provided that of the general fund appropriation for the unviersity of Hawaii level IV programs the following positions and sums in

fiscal year 1990-91 shall be expended for minority programs for program categories specified below:

Prog. ID	FY 1990-91	Program Category
UOH 101	(2.00) $189,005	Imi Ho'ola program
UOH 105	(2.00) 90,000	Operation Kua'ana
UOH 105	(1.00) 35,332	Office of minority student affairs
UOH 215	(2.00) 42,419	UH Hilo minority program
UOH 906	(3.00) 71,182	Community colleges minority program

Provided further that the university of Hawaii shall submit a comprehensive report on the progress of the above program categories to the legislature not less than twenty days prior to the convening of the 1991 regular session."

(86) By adding a new section to read as follows:

"SECTION 151A. Provided that of the general fund appropriation for instruction, university of Hawaii, Manoa (UOH 101), one position and the sum of $99,000 in fiscal year 1990-91 shall be expended for the John A. Burns distinguished visiting chair."

(87) By adding a new section to read as follows:

"SECTION 151B. Provided that of the general fund appropriation for instruction, university of Hawaii, Manoa (UOH 101), two positions and the sum of $67,165 in fiscal year 1990-91 shall be expended to establish a center on the family; provided further that a report on the progress of this program shall be submitted to the legislature not less than twenty days prior to the convening of the 1991 regular session."

(88) By adding a new section to read as follows:

"SECTION 156A. Provided that of the general fund appropriation for student services, university of Hawaii, Manoa (UOH 105), four positions and the sum of $177,984 in fiscal year 1990-91 shall be expended for salaries, insurance, and related expenses for the university of Hawaii, Manoa children's center; provided further that funds shall also be used to establish a sliding tuition fee scale; provided further that a report on the progress of this program shall be submitted to the legislature not less than twenty days prior to the convening of the 1991 regular session."

(89) By adding a new section to read as follows:

"SECTION 156B. Provided that of the general fund appropriation for student services, university of Hawaii, Manoa (UOH 105), the sum of $70,300 in fiscal year 1990-91 shall be expended for replacement and new equipment for rehabilitation and training for the athletic department."

(90) By amending section 160 to read as follows:

"SECTION 160. Provided that of the general fund appropriation for instruction, Honolulu community college, (UOH 301), the sum of $133,010 and 3.00 positions in fiscal year 1989-90 and the sum of $281,541 and 3 positions in fiscal year 1990-91 shall be expended for the automotive technology high technology program; provided further that the Honolulu community college shall submit a comprehensive report on the progress of this program expansion to the legislature not less than twenty days prior to the convening of the 1991 regular session."

(91) By adding a new section to read as follows:

"SECTION 160A. Provided that of the general fund appropriation for instruction, Honolulu community college, (UOH 301), the sum of $300,000 in fiscal year 1990-91 shall be expended for nonrecurring repair and maintenance projects and equipment for the transportation technology program as follows:

Project and Equipment Description	FY 1990-91
Construction of additional restroom facilities and new entry door for the automotive technology building.	$150,000
Renovation of automotive machine shop facilities to provide additional classroom/instructional space.	$100,000
Purchase of engine dynamometer and related accessories for the automotive technology/machine shop program.	$ 50,000

Provided further that in order to ensure the proper expenditure of appropriated funds the chancellor of community colleges shall submit a report to the legislature on the expenditure of these funds not less than twenty days prior to the convening of the 1991 regular session."

(92) By adding a new section to read as follows:

"SECTION 160B. Provided that of the general fund appropriation for public service, Honolulu community college, (UOH 302), one position and the sum of $75,000 in fiscal year 1990-91 shall be expended for the apprenticeship program."

(93) By adding a new section to read as follows:

"SECTION 160C. Provided that of the general fund appropriation for public service, Honolulu community college, (UOH 302), the sum of $15,000 in fiscal year 1990-91 shall be expended for a senior citizens outreach pilot program."

(94) By adding a new section to read as follows:

"SECTION 160D. Provided that of the general fund appropriation for institutional support, Honolulu community college, (UOH 302), one position and the sum of $11,437 in fiscal year 1990-91 shall be used for the military outreach program."

(95) By adding a new section to read as follows:

"SECTION 160E. Provided that of the general fund appropriation for instruction, Leeward community college (UOH 321), the sum of $75,000 in fiscal year 1990-91 shall be expended to deliver short-term vocational training and related courses in the Kapolei and West Beach areas; provided further that the hotels/private sector shall contribute not less than 20 per cent in matching funds."

(96) By adding a new section to read as follows:

"SECTION 163A. Provided that of the general fund appropriation for the office of technology transfer and economic development (UOH 903), the sum of $45,000 in fiscal year 1990-91 shall be to provide services that the legislature finds to be for a public purpose, for technology transfer and economic development, through grant-in-aid as provided in chapter 42, Hawaii Revised Statutes."

(97) By adding a new section to read as follows:

"SECTION 165A. Provided that, in order to ensure the appropriate expenditure of funds, the university of Hawaii shall submit a report on all salaries for university faculty and administration bargaining units (included and excluded) negotiated by the university of Hawaii which exceed the amounts budgeted in the executive budget and as projected and detailed in the BJ Tables in fiscal year 1990-91. This report shall include justification for each of the higher salaries. This report shall be submitted to the legislature twenty days prior to the convening of the 1991 regular session."

(98) By adding a new section to read as follows:

"SECTION 165B. Provided that, in order to ensure the appropriate expenditure of funds, the university of Hawaii shall submit a report on the positions and funds restricted by the university of Hawaii in fiscal year 1990-91. This report shall include justification for each restriction, the impact on programs affected by the restriction, and include the allocation of restriction at the lowest program level. This report shall be submitted to the legislature twenty days prior to the convening of the 1991 regular session."

(99) By amending Section 169 to read as follows:

"SECTION 169. Provided that of the general fund appropriation for Hawaii public broadcasting (CCA 701), the sum of $216,000 in fiscal year 1989-90 and $250,000 in fiscal year 1990-91 shall be expended for local television productions in the children's program division of Hawaii public broadcasting."

(100) By adding a new section to read as follows:

"SECTION 170A. Provided that in order to determine the appropriate status of the Hawaii interactive television system (HITS), Hawaii public broad-

casting (CCA 701), is requested to submit a thorough and comprehensive review and assessment which shall include but not be limited to

(1) The effectiveness and efficiency of the system in the delivery of service as proposed by HITS to user state agencies,
(2) The impact of cost savings as incurred by user state agencies, and
(3) An overall state of progress in the development and implementation of HITS to meet original and changing program objectives as well as full operational status,

provided further that in order to ensure the proper expenditure of appropriated funds, Hawaii public broadcasting shall submit a report to the legislature on the expenditure of these funds as appropriated under this Act not less that twenty days prior to the convening of the 1991 regular session "

(101) By adding a new section to read as follows

"SECTION 170B Provided that the Hawaii public broadcasting (CCA 701), shall submit a report detailing its overall programming philosophy and direction and how it relates to short and long term local and Pacific-Asian programming, provided further that the report shall include but not be limited to

(1) The type of programs to be shown in fiscal year 1990-91 and fiscal year 1991-92 and the means of funding for these programs,
(2) Alternative methods to generate funding from sources other than state funding and the efforts to collect these funds,

provided further that Hawaii public broadcasting shall submit a report to the legislature on the expenditure of these alternative means of funding covering a period of three fiscal years beginning in fiscal year 1987-88 to fiscal year 1989-90 not less than twenty days before the convening of the 1991 regular session "

(102) By amending Section 173 to read as follows

"SECTION 173 Provided that of the general fund appropriation for performing and visual arts events (AGS 881), the sum of $4,459,850 in fiscal year 1989-90 and $1,758,245 in fiscal year 1990-91 shall be used for grants-in-aid as provided in chapter 42, Hawaii Revised Statutes, relating to performing and visual arts events, which the legislature finds to be a public purpose "

(103) By adding a new Section to read as follows.

"SECTION 174A Provided that of the general fund appropriation for aquatic recreation (LNR 805), the sum of $55,000 in fiscal year 1990-91 shall be expended for a ciquatera pilot project which shall include but not be limited to, the development and field testing of a portable ciquatera toxin detection test kit in Hilo, Hawaii, a statewide inventory and assessment of ciquatera research projects, and a ciquatera toxin public awareness program, provided further that the department of land and natural resources shall enter into a contract with the department of health and the school of medicine, of the university of Hawaii for the purpose of this project, provided further that these funds may be supplemented by federal funds available through the Dingell-Johnson federal aid in sport fish restoration program "

(104) By amending Section 175 to read as follows:

"SECTION 175. Provided that of the general fund appropriation for heritage and recreation parks (LNR 806), the sum of $1,053,611 in fiscal year 1989-90 and $315,037 in fiscal year 1990-91 shall be used for grants-in-aid as provided in chapter 42, Hawaii Revised Statutes, relating to heritage and recreation parks, which the legislature finds to be a public purpose."

(105) By adding a new section to read as follows:

"SECTION 175A. Provide that the general fund appropriation for heritage and recreation parks (LNR 806), the sum of $250,000 for FY 1990-91 for the Kahana Valley state park shall be expended by the department of land and natural resources for cultural and historical programs identified by the Kahana advisory council."

(106) By amending Section 180 to read as follows:

"SECTION 180. Provided that of the general fund appropriation for general administration (DOC 903), the sum of $1,148,003 in fiscal year 1989-90 and $1,269,727 in fiscal year 1990-91 shall be used for services which the legislature finds to be a public purpose, to general administration, for purchase of service agreements under chapter 42, Hawaii Revised Statutes."

(107) By adding a new section to read as follows:

"SECTION 180A. Provided that of the general fund appropriation for general administration (DOC 903), the sum of $175,000 in fiscal year 1990-91 shall be used for services which the legislature finds to be a public purpose, to general administration, for grant-in-aid under chapter 42, Hawaii Revised Statutes."

(108) By adding a new section to read as follows:

"SECTION 181A. Provided that of the general fund appropriation for Oahu community correctional (DOC 407) for fiscal year 1990-91, the department of public safety is authorized to convert to permanent status the following positions: 8 paramedical assistants V, 15 kitchen helpers II, and 2 education specialist positions."

(109) By adding a new section to read as follows:

"SECTION 185A. Provided that of the general fund appropriation for intake service centers (DOC 410), the sum of $150,000 for fiscal year 1990-91 shall be expended for a demonstration project on Oahu for electronic monitoring and intensive supervision of eligible offenders."

(110) By adding a new section to read as follows:

"SECTION 189A. Provided that of the general fund appropriation for the Hawaii youth correctional facility (DOC 401), the sum of $350,000 in fiscal year 1990-91 shall be expended for youth offender programs; provided further that these funds shall be allocated as follows: $150,000 for a client-specific planning and monitoring program; and $200,000 for a home-based therapeutic service program."

(111) By adding a new section to read as follows

"SECTION 192A Provided that, for the determination of proper funding expenditures in the future, the general fund appropriation for general administration (DOC 903), the sum of $50,000 in fiscal year 1990-91 shall be utilized for a study of alternatives to incarceration programs for women and for the development of a recommended plan to decrease the women's community correctional center inmate population by providing community based rehabilitation services, provided further that the department of corrections shall submit this study to the legislature not less than twenty days prior to the convening of the 1991 regular session "

(112) By adding a new section to read as follows.

"SECTION 192B Provided that of the general fund appropriation for state criminal justice information and distribution (ATG 231), the sum of $56,248 shall be expended to provide on-site identification registration on the neighbor islands for certificates of identification "

(113) By adding a new section to read as follows.

"SECTION 192C. Provided that of the general fund appropriation for general administration-public safety (PBS 900), the sum of $1,352,358 for fiscal year 1990-91 shall be expended for the salary adjustments of adult corrections officers pursuant to the recommendations of the department of personnel services and section 77-9, Hawaii Revised Statutes, provided further that the funds shall not be expended for any other purpose; and provided further that the department of public safety shall submit a detailed status report to the legislature twenty days prior to the convening of the 1991 regular session "

(114) By adding a new section to read as follows.

"SECTION 192D Provided that of the general fund appropriation for general administration-public safety (PBS 900), the sum of $842,363 in fiscal year 1990-91 shall be expended for the salaries of 28 positions as requested in the supplemental budget request for fiscal year 1990-91 and shall not be expended for any other purpose, provided further that in order to ensure the proper expenditure of appropriate funds, the department of public safety shall submit a detailed status report to the legislature twenty days prior to the convening of the 1991 regular session "

(115) By adding a new section to read as follows

"SECTION 192E Provided that of the general fund appropriation for general administration-public safety (PBS 900), the sum of $420,000 in fiscal year 1990-91 shall be expended for remedial measures to clean-up the oil spills at and within the vicinity of the Halawa correctional facility and shall not be expended for any other purpose, provided further that the department of public safety shall submit a status report to the legislature twenty days prior to the convening of the 1991 regular session, and provided further that the report shall include, but not be limited to

(1) A detailed breakdown of actual expenditures for the first half of the fiscal year,
(2) The estimated expenditures for the second half of the fiscal year, and

(3) An official assessment by the department of health regarding the remedial measures undertaken by the department of public safety."

(116) By adding a new section to read as follows:

"SECTION 192F. Provided that of the general fund appropriation for general administration-public safety (PBS 900), the sum of $1,500,000 in fiscal year 1990-91 shall be expended for the following nonrecurring repair and maintenance projects:

Project Description	FY 1990-91
Halawa correctional facility	
Resurfacing of recreation yards	$150,000
Roofing repairs	215,000
Kulani correctional facility	
Vehicle/equipment repairs	45,000
Ventilation system upgrades	35,000
Electrical system repairs	75,000
Waiawa correctional facility	
Water system improvements	25,000
Wastewater system maintenance	30,000
Various fire safety improvements	60,000
Hawaii community correctional center	
Ventilation system repairs	110,000
Roofing repairs	30,000
Maui community correctional center	
Show repairs - dorm 1/2	25,000
Ventilation system improvement - partial	25,000
Roofing system repairs	75,000
Oahu community correctional center	
Fencing system improvements	75,000
Middle street parking improvements	150,000
Fire safety improvements	25,000
Kauai community correctional center	
Vehicle equipment repairs	35,000
Cottage renovations	30,000
Grease trap/septic tank repairs	25,000
Women's community correctional center	
Septic tank repairs - all cottages	45,000
Grease trap repairs	25,000
Ventilation repairs - all cottages	25,000
Training center	
Hilltop cottage renovations	140,000
Vehicle/equipment repairs and replacement	25,000

provided further that, unless otherwise prohibited by law, the department of public safety may make expenditures and enter into contracts for necessary equipment, supplies, materials, labor, professional services, and technical assistance to satisfy the objectives of this appropriation; provided further that unrequired funds from the repair and maintenance projects authorized under the terms of this section may be expended for other institutional repair and maintenance needs; provided that the funds shall not be expended for any other purpose but repair and maintenance; and provided further that the department of public safety shall submit a status report of each of these repair and maintenance

projects and expenditures to the legislature twenty days prior to the convening of the 1991 regular session "

(117) By adding a new section to read as follows

"SECTION 192G Provided that of the general fund appropriation for general administration-public safety (PBS 900), the sum of $548,217 for fiscal year 1990-91 shall be expended for the training and development of department personnel and shall not be expended for any other purpose, and provided that in order to ensure the proper expenditure of appropriate funds the department of public safety shall submit a detailed status report to the legislature twenty days prior to the convening of the 1991 regular session "

(118) By adding a new section to read as follows

"SECTION 196A Provided that of the general fund appropriation for the office of the governor (GOV 100), the sum of $10,000 in fiscal year 1990-91 may be used by the director of the office of international relations for protocol purposes "

(119) By adding a new section to read as follows

"SECTION 196B Provided that of the general fund appropriation for the office of the governor (GOV 100), the sum of $34,708 in fiscal year 1990-91 shall be used to establish and staff an advisory committee comprised of representatives of the legislature, executive branch, and community to propose a formal capitol tour and information service program which shall include the surrounding areas in the capitol district, provided further that the committee shall prepare a preliminary report on the proposed scope of a permanent, year-round capitol tour and information service program which shall be submitted to the legislature no later than twenty days prior to the convening of the regular session of 1991, provided further that the preliminary report shall include, but not be limited to

(1) Types of tours that would be offered,
(2) Use of exhibits, audiovisual materials, gift shops and information booths, and other features to augment the tours,
(3) Types of interpretive programs to be implemented,
(4) Permanent staffing for administrative purposes, temporary staffing, and use of interns and volunteers,

provided further that the office of information shall provide staff support to the committee and shall assist the committee in the preparation of the final report on the proposed scope of a permanent, year-round capitol tour and information service program "

(120) By adding a new section to read as follows

"SECTION 205A Provided that of the general fund appropriation for other policy development and coordination (GOV 102), the sum of $250,775, in fiscal year 1990-91 shall be expended to continue research on biomass production, provided further that no funds shall be available unless in-kind service as cost sharing shall be furnished by

(1)	C Brewer & Company, Limited	$61,000
(2)	University of Hawaii at Manoa soil service department	25,000

	University of Hawaii at Manoa energy/engineering department	7,000
(3)	United States Department of Agriculture Forest Service	20,000
(4)	Hawaiian Sugar Planters Association experiment station	40,000
	TOTAL	$153,000

provided further that these funds shall be expended by the governor's agriculture coordinating committee."

(121) By adding a new section to read as follows:

"SECTION 205B. Provided that of the general fund appropriation for other policy development and coordination (GOV 102), the sum of $300,000 in fiscal year 1990-91 shall be used for personnel, laboratory, and field costs to facilitate the registration of pesticides for Hawaii's agricultural crops; provided further that these funds shall be expended by the governor's agriculture coodinating committee through a contract with the Hawaii Sugar Planters Association."

(122) By adding a new section to read as follows:

"SECTION 205C. Provided that of the general fund appropriation for other policy development and coordination (GOV 102), the sum of $20,000 in fiscal year 1990-91 shall be expended from the contingency fund of the governor's agriculture coordinating committee to conduct an interim study group to identify policies, systems, and institutions that hinder the development of agricultural enterprises."

(123) By adding a new section to read as follows:

"SECTION 212A. Provided that in order to ensure that the state executive departments are appropriately and efficiently expending funds for computer systems, information systems and technology projects under this Act, all departments shall issue a request for proposal and invitation for bid in order to select consultants for such applications when the system or project cost is over $100,000; provided further that the department of budget and finance shall review all requests for proposals prior to their release, and all consulting service contracts prior to issuance for the purpose of determining whether the action represents an appropriate and efficient use of funding."

(124) By adding a new section to read as follows:

"SECTION 212B. Provided that all executive departments shall prepare a report of all computer system, information systems and technology projects planned for the 1991-93 fiscal biennium when the biennium cost is projected to exceed $100,000; provided further that this report shall include, but not be limited to: detailed project descriptions; scope; specific project phases; goals and objectives for the project and for each phase of the project; budget and personnel needs for the development and maintenance of the project once completed and for each phase individually; and timetables for implementation; provided further that the department of budget and finance shall coordinate and compile these reports and submit them to the legislature no later than twenty days prior to the convening of the 1991 regular session."

(125) By adding a new section to read as follows:

"SECTION 218A. Provided that of the general fund appropriation for legal services (ATG 100), the sum of $1,600,000 in fiscal year 1990-91 shall be used to complete the asbestos surveys of the approximately 23,000,000 square feet of state facilities statewide; provided further that the department of the attorney general shall provide an updated report not less than twenty days prior to the convening of the 1991 legislative session and a final report not less than twenty days prior to the convening of the 1992 legislative session."

(126) By adding a new section to read as follows:

"SECTION 218B. Provided that of the general fund appropriation for electronic data processing services (BUF 131), the sum of $2,000,000 in fiscal year 1990-91 shall be expended for the payroll/personnel system. The department of budget and finance shall submit a comprehensive report on the progress of this program to the legislature not less than twenty days prior to the convening of the 1991 regular session."

(127) By adding a new section to read as follows:

"SECTION 218C. Provided that of the general fund appropriation for electronic data processing services (BUF 131), the sum of $982,766 in fiscal year 1990-91 shall be expended for the JOBS on-line integrated computer system. The department of budget and finance shall submit a comprehensive report on the progress of this program to the legislature not less than twenty days prior to the convening of the 1991 regular session."

(128) By adding a new section to read as follows:

"SECTION 219A. Provided that of general fund appropriation for workforce attraction, selection, classification, and effectiveness, department of personnel services (PER 102), three positions and the sum of $279,189 in fiscal year 1990-91 shall be expended for the applicant tracking computer system. The department personnel services shall submit a comprehensive report on the progress of this program to the legislature not less than twenty days prior to the convening of the 1991 regular session."

(129) By adding a new section to read as follows:

"SECTION 219B. Provided that of the general fund appropriation for construction (AGS 221), additional moneys shall be included for fiscal year 1990-91 under this program ID to cover leases for the department of human services, the department of education, and the department of public safety; provided further that the additional amounts expended for each department shall be $512,638, $47,813, and $148,740 respectively."

SECTION 6. Part IV, Act 316, Session Laws of Hawaii 1989, is amended by amending Section 222 to read as follows:

"SECTION 222. CAPITAL IMPROVEMENT PROJECTS AUTHORIZED. The sums of money appropriated or authorized in Part II of this Act for capital investment shall be expended for the projects listed below. Accounting of the appropriations by the department of accounting and general services shall be

based on the projects listed in this section. Several related or similar projects may be combined into a single project, if such combination is advantageous or convenient for implementation; provided that the total cost of the project thus combined shall not exceed the total of the sum specified for the projects separately. (The amount after each cost element and the total funding for each project listed in this part are in thousands of dollars.)

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
A. ECONOMIC DEVELOPMENT							
BED102 - COMMERCE AND INDUSTRY							
1.		HTDC-2 MANOA INNOVATION CENTER, OAHU					
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR ADJOINING TWO-STORY CONCRETE FRAME AND BLOCK STRUCTURES. FACILITIES TO OFFER ADMINISTRATIVE AND LAB SPACE AND SERVE AS FUTURE HOME OF PICHTR AND HTDC'S INCUBATOR FACILITY. THE LOCATION OF THE RCUH AT THE SITE IS BEING CONSIDERED.						
		PLANS		5			
		DESIGN		1			
		CONSTRUCTION		1,711			
		EQUIPMENT		1			
		TOTAL FUNDING	BED	1,718A			A
2.		HTDC-5 OCEAN OUTFALL AT KEAHOLE POINT, HAWAII					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A 48" DIAMETER, 400' LONG, 15,000-20,000 GALLONS PER MINUTE OUTFALL PIPE TO RETURN OCEAN WATER.					
		DESIGN		150			
		TOTAL FUNDING	BED	150A			A
3.		HTDC-6 HAWAII OCEAN SCIENCE AND TECHNOLOGY (HOST) PARK WARM WATER PIPE, HAWAII					
		PLANS AND DESIGN FOR A WARM WATER OR SURFACE SEAWATER PIPE TO SERVICE THE HAWAII OCEAN SCIENCE AND TECHNOLOGY PARK, KEAHOLE, KONA, HAWAII.					
		PLANS		66			
		DESIGN		764			
		TOTAL FUNDING	BED	830A			A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
4		HTDC-7 HAWAII OCEAN SCIENCE AND TECHNOLOGY (HOST) PARK ON-SITE BUILDING, HAWAII					
		DESIGN HOR AN ON-SITE BUILDING TO PROVIDE MANAGEMENT MARKETING AND TENANT OFFICE SPACE AT THE HAWAII OCEAN SCIENCE AND TECHNOLOGY PARK, KEAHOLE KONA HAWAII					
		DESIGN		383			
		TOTAL FUNDING	BED	383A			A
4A		MOLOKAI ICE HOUSE, MOLOKAI					
		CONSTRUCTION AND EQUIPMENT OF A BUILDING SHELL, JIB CRANE, SANITARY FACILITIES AND OFFICES (GRANT-IN-AID)					
		CONSTRUCTION				170	
		EQUIPMENT				5	
		TOTAL FUNDING	BED		A	175A	
4B		MAUI RESEARCH AND TECHNOLOGY CENTER, MAUI					
		CONSTRUCTION AND EQUIPMENT OF THE COMMUNICATIONS CENTER OF THE RESEARCH AND TECHNOLOGY CENTER					
		CONSTRUCTION				2,668	
		EQUIPMENT				1 175	
		TOTAL FUNDING	AGS		A	3 843A	
4C		KAUAI TROPICAL FRUIT DISINFESTATION FACILITY KAUAI					
		PLANS, DESIGN AND CONSTRUCTION FOR THE DEVELOPMENT OF A TROPICAL FRUIT DISINFESTATION SYSTEM INCLUDING ENGINEERING DESIGN, BUILDING CONSTRUCTION TREATMENT SYSTEM CONSTRUCTION TESTING AND REFINEMENTS					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				498	
		TOTAL FUNDING	BED		C	500C	
4D		MOLOKAI SLAUGHTERHOUSE, MOLOKAI					
		PLANS, DESIGN, AND CONSTRUCTION FOR THE RENOVATION OR REPLACEMENT OF THE MOLOKAI SLAUGHTERHOUSE					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				248	
		TOTAL FUNDING	BED		A	250A	

AGR121 - PLANT QUARANTINE

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
5.	A-043	RENOVATION OF PLANT QUARANTINE FACILITY, OAHU					
		DESIGN AND CONSTRUCTION FOR FACILITY RENOVATIONS TO PROVIDE OFFICE SPACE, A GREENHOUSE, CONFERENCE ROOM, RESTROOM, AND OTHER IMPROVEMENTS.					
		DESIGN		50			
		CONSTRUCTION		442			
		TOTAL FUNDING	AGS	492A			A
LNR172		**- FORESTRY - PRODUCTS DEVELOPMENT**					
6.	D53	KAPAPALA KOA MANAGEMENT AREA, HAWAII					
		PLANS, DESIGN AND CONSTURCTION OF APPROXIMATELY THREE MILES OF STOCK PROOF FENCE ALONG THE NORTHEAST AND SOUTHEAST BOUNDRIES OF THE KOA MANAGEMENT AREA. PROJECT WILL REQUIRE CLEARING OF ALIGNMENT, GRADING OF A FOUR-WHEEL DRIVE ACCESS ROAD, AND CONSTRUCTION OF A WOVEN WIRE FENCE.						
		PLANS				2	
		DESIGN				3	
		CONSTRUCTION				90	
		TOTAL FUNDING	LNR		C	95C	
AGR151		**- DISTRIBUTION SYSTEMS IMPROVEMENT FOR AGR**					
7.		KULA VACUUM COOLING PLANT, MAUI					
		CONSTRUCTION TO COMPLETE BUILDING TO HOUSE FORCED AIR COOLER AND ICE MACHINE.					
		CONSTRUCTION		435			
		TOTAL FUNDING	AGR	435A			A
8.		MOLOKAI COOLING FACILITY, MOLOKAI					
		CONSTRUCTION TO COMPLETE BUILDING TO HOUSE FORCED AIR COOLING FACILITY ON MOLOKAI					
		CONSTRUCTION		573			
		TOTAL FUNDING	AGR	573A			A
AGR192		**- GENERAL ADMINISTRATION FOR AGR**					
9	A01	AGRICULTURAL PARK SUBDIVISION, STATEWIDE					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO	CAPITAL NO	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		PLANS LAND ACQUISITION DESIGN AND CONSTRUCTION OF ON AND OFF SITE IMPROVEMENTS FOR DEVELOPMENT OF AGRICULTURAL PARK SUBDIVISIONS STATEWIDE INCLUDING ACQUISITION OF LAND BY FEE SIMPLE PURCHASE OR LEASE					
		PLANS		300		200	
		LAND		1 000			
		DESIGN		700		300	
		CONSTRUCTION		5 000			
		TOTAL FUNDING	AGR	7 000	A		A
			AGR		C	500	C
10		A 050 POAMOHO EXPERIMENT STATION OAHU					
		PLAN DESIGN AND CONSTRUCTION FOR RENOVATION AND REROUTING OF DOMESTIC WATER LINE AND OTHER IMPROVEMENTS					
		DESIGN		20			
		CONSTRUCTION		230			
		TOTAL FUNDING	AGR	250	C		C
LNR153		**- COMMERCIAL FISHERY AND AQUACULTURE**					
11		C36 LARGE SCALE POND RESEARCH TRAINING AND					
		DEMONSTRATION FACILITY					
		PLANS DESIGN CONSTRUCTION AND EQUIPMENT FOR A POND RESEARCH FACILITY TO PROVIDE BETWEEN 15 50 ACRES OF VARIOUS SIZED PONDS OF UP TO 1 ACRE IN SIZE WITH REQUIRED EQUIPMENT AND PLUMBING FACILITY TO CONSIST OF CLASS ROOMS LABS AND DORMS FACILITY TO REQUIRE FRESH BRACKISH OR SALTWATER					
		PLANS		200			
		DESIGN		300			
		TOTAL FUNDING	LNR	500	A		A
BED120		**- ENERGY DEVELOPMENT AND MANAGEMENT**					
12		AEB001 INTERISLAND CABLE SYSTEM GEOTHERMAL MASTER PLAN					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		COMPLETE MASTER PLAN FOR 500 MEGAWATT (NET) OF GEOTHERMAL DEVELOPMENT IN PUNA DISTRICT AND ITS TRANSMISSION TO MAUI AND OAHU VIA INTERISLAND CABLE SYSTEM; PERFORM ROUTING STUDIES FOR OVERLAND PORTION OF CABLE SYSTEM; OBTAIN PUBLIC INPUT; CONDUCT ENVIRONMENTAL IMPACT STATEMENT; CONDUCT LEGAL AND FINANCIAL STUDIES LEADING TO A REQUEST FOR PROPOSALS FOR A PRIVATE SECTOR CONSORTIUM TO UNDERTAKE THE PROJECT.					
		PLANS		850			
		TOTAL FUNDING	BED	850	C		C
13.	P00045	PUNA GEOTHERMAL FACILITY, HGP-A POWER PLANT OVERHAULS, HAWAII					
		CONSTRUCTION FOR REPLACEMENT, REFURBISHING, AND UPGRADING OF ROCK MUFFLER AND H2S ABATEMENT SYSTEM; OVERHAUL STEAM TURBINE AND COOLING TOWER; FENCE PERCOLATION PONDS; FACILITY UPGRADES AND SITE IMPROVEMENTS.					
		CONSTRUCTION		350			
		TOTAL FUNDING	BED	350	A		A
13A.		PUNA GEOTHERMAL FACILITY, HGP-A POWER PLANT, HAWAII					
		CONSTRUCTION TO INSPECT, REPAIR AND REACTIVATE HGP-A WELL.					
		CONSTRUCTION				250	
		TOTAL FUNDING	BED		A	250	A
14.	P00113	GEOTHERMAL RESOURCE RESEARCH, HAWAII					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT TO CONTINUE TO PERFORM RESEARCH GEOTHERMAL DRILLING AND RESERVOIR ASSESSMENT TO DETERMINE IF AND WHERE SUFFICIENT RETRIEVABLE RESOURCES ARE AVAILABLE TO GENERATE 500 MEGAWATT (NET) OF ELECTRICITY FOR TRANSMISSION TO OAHU AND MAUI.					
		PLANS		400		400	
		DESIGN		800		800	
		CONSTRUCTION		1,400		1,799	
		EQUIPMENT		1		1	
		TOTAL FUNDING	BED	2,601	A		A
			BED		C	3,000	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
15.		THERMAL ENERGY CONVERSION PROJECTS, HAWAII					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A WARM AND COLD WATER PIPELINE OF APPROXIMATELY FORTY INCHES IN DIAMETER FOR THE CLOSED CYCLE OCEAN THERMAL ENERGY CONVERSION.					
		PLANS		200			
		DESIGN		300			
		CONSTRUCTION		4,000			
		EQUIPMENT		500			
		TOTAL FUNDING	BED	5,000A			A
16.		DIRECTIONAL DRILLING AND DEMONSTRATION PROJECT, HAWAII					
		PLANS, DESIGN, AND CONSTRUCTION FOR A DIRECTIONAL DRILLING RESEARCH AND DEMONSTRATION PROJECT AT THE NATURAL ENERGY LABORATORY OF HAWAII AT KEAHOLE POINT.					
		PLANS		100			
		DESIGN		200			
		CONSTRUCTION		2,200			
		TOTAL FUNDING	BED	2,500A			A
16A.		BIOMASS GASIFICATION AND GAS-CLEANUP RESEARCH PLANT, MAUI					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT OF A PRECOMMERCIAL BIOMASS GASIFICATION AND GAS-CLEANUP RESEARCH PLANT IN MAUI.					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				1,997	
		EQUIPMENT				1	
		TOTAL FUNDING	BED		A	2,000A	
AGR141		**- AGRICULTURAL WATER DEV & IRRIG SERVICES**					
17.		G86 WAIMEA IRRIGATION SYSTEM IMPROVEMENTS, UPPER HAMAKUA DITCH, HAWAII					
		PLANS, DESIGN AND CONSTRUCTION FOR INCREMENTAL DEVELOPMENT, RENOVATION, AND REHABILITATION OF UPPER HAMAKUA DITCH FOR THE WAIMEA IRRIGATION SYSTEM. THIS PROJECT IS NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.					
		PLANS		50		100	
		DESIGN		60		120	
		CONSTRUCTION		765			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		TOTAL FUNDING	LNR	875A		220A	
18.	G96	KUALAPUU RESERVOIR IMPROVEMENTS, MOLOKAI IRRIGATION SYSTEM, MOLOKAI					
		PLANS, DESIGN, AND CONSTRUCTION OF INCREMENTAL IMPROVEMENTS CONSISTING OF REHABILITATING RESERVOIR BANKS AND INSTALLING LINING AND WAVE DISSIPATORS.					
		PLANS		10			
		DESIGN		30			
		CONSTRUCTION		360			
		TOTAL FUNDING	LNR	400A			A
19.	JO7	DEVELOPMENT OF WAIKOLU VALLEY WELLS, MOLOKAI IRRIGATION SYSTEM, MOLOKAI					
		PLANS, DESIGN AND CONSTRUCTION FOR INCREMENTAL INSTALLATION OF PUMPS, CONTROLS, AND CONNECTING PIPELINES FOR WAIKOLU WELLS FOR MOLOKAI IRRIGATION SYSTEM.					
		PLANS		25			
		DESIGN		55			
		CONSTRUCTION		500			
		TOTAL FUNDING	LNR	580A			A
20.	JO8	TELEMETRY & SUPERVISORY CONTROL SYSTEM,					
		MOLOKAI IRRIGATION SYSTEM, MOLOKAI					
		PLANS, DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO EXISTING TELEMETERING SYSTEM AND TO CONSTRUCT A SUPERVISORY CONTROL SYSTEM FOR THE MOLOKAI IRRIGATION SYSTEM.					
		CONSTRUCTION		390			
		TOTAL FUNDING	LNR	390A			A
21.	J11	PUU PULEHU RESERVOIR, KAMUELA, HAWAII					
		DESIGN & CONSTRUCTION OF IMPROVEMENTS TO THE PUU PULEHU RESERVOIR, WAIMEA IRRIGATION SYSTEM, HAWAII THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.					
		DESIGN		400			
		CONSTRUCTION				4,200	
		TOTAL FUNDING	LNR	400A		200A	
			LNR	C		4,000C	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
22	J13	WAIMANALO IRRIGATION SYSTEM IMPROVEMENTS KOOLAUPOKO OAHU					
		PLANS, LAND ACQUISITION DESIGN AND CONSTRUCTION OF INCREMENTAL IMPROVEMENTS TO THE WAIMANALO IRRIGATION SYTEM TO CONSIST OF A 60MG RESERVOIR AND A CLOSED PRESSURIZED DISTRIBUTION PIPELINE AS OUTLINED IN THE WAIMANALO WATERSHED PLAN AND AS AUTHORIZED UNDER PL-566 FOR MATCHING FEDERAL FUNDS THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT						
		LAND		750			
		TOTAL FUNDING	LNR	750A			A
22A	HA0001	DRAINAGE STUDY, WAIMANALO IRRIGATION SYSTEM, OAHU					
		PLANS AND DESIGN OF DRAINAGE IMPROVEMENTS TO CONTROL FLOODING WITHIN ABANDONED DITCH AND FLUME EASEMENTS OF THE IRRIGATION SYSTEM THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT UNDER PL 566 WATERSHED PROJECT						
		PLANS				250	
		DESIGN				100	
		TOTAL FUNDING	AGR		C	350C	
23	L00003	TELEMETRY & SUPERVISORY CONTROLS WAIMEA IRRIGATION SYSTEM HAWAII					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR A TELEMETERING AND SUPERVISORY CONTROL SYSTEM TOGETHER WITH APPURTENANT FACILITIES					
		PLANS		35			
		DESIGN		50			
		CONSTRUCTION		1 090			
		EQUIPMENT		30			
		TOTAL FUNDING	LNR	1,205A			A
24	W00001	BASEYARD BUILDING RENOVATION, WAIMANALO IRRIGATION SYSTEM, OAHU					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR A WORKSHOP AND MATERIALS AND SUPPLY STORAGE BUILDINGS					
		PLANS		5			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN		10			
		CONSTRUCTION		28			
		EQUIPMENT		5			
		TOTAL FUNDING	LNR	48A			A
25.	W00002	ACCESS ROAD IMPROVEMENTS, WAIMANALO IRRIGATION SYSTEM, OAHU					
		PLANS, LAND ACQUISITION, DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO ACCESS ROADS TO VARIOUS IRRIGATION SYSTEM FACILITIES.					
		PLANS		5			
		LAND		5			
		DESIGN		10			
		CONSTRUCTION					60
		TOTAL FUNDING	LNR	20A			60A
26.	W00003	IMPROVEMENTS TO MAUNAWILI DITCH INTAKE STRUCTURES, WAIMANALO IRRIGATION SYSTEM					
		PLANS, DESIGN, AND CONSTRUCTION OF IMPROVEMENTS TO INTAKE STRUCTURES TOGETHER WITH APPURTENANT FACILITIES.					
		PLANS		5			
		DESIGN		10			
		CONSTRUCTION		120			
		TOTAL FUNDING	LNR	135A			A

C. TRANSPORTATION FACILITIES

TRN102 - HIA FACILITIES & SVCS

1.	A10	HIA ROADWAYS AND PARKING, OAHU					
		DESIGN & CONSTRUCT ROADS & PARKING AREAS INCLUDING GROUND AND ELEVATED STRUCTURES AND EXIT PLAZA FOR OVERSEAS AND INTERISLAND TERMINALS AND SUPPORT AREAS. ALTERATIONS TO EXISTING ROADS AND PARKING FACILITIES AND OTHER MISC. IMPROVEMENTS. NEW PARKING STRUCTURE. RELOCATE EXISTING TENANTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.					
		DESIGN		4,980			
		CONSTRUCTION				43,000	
		TOTAL FUNDING	TRN	4,980E		43,000E	
2.	A11	HIA INTERISLAND COMPLEX, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN & CONSTRUCT INTERISLAND COMPLEX INCLUDING BUILDINGS, APRONS & TAXI-WAYS, ROADWAYS, PARKING & OTHER MISC IMPROVEMENTS. LAND ACQUISITION. RELOCATE EXISTING INTERISLAND MAINTENANCE, CARGO & ADMIN OFFICES. ALTERATIONS TO EXISTING BLDGS, APRONS, ROADWAYS & PARKING. INSTALL FURNITURE, LANDSCAPING & MISC EQUIPMENT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.						
		DESIGN		1,000		2,500	
		CONSTRUCTION		62,050		14,500	
		TOTAL FUNDING	TRN	62,800E		16,500E	
			TRN	250N		500N	
3.		A20 INTRA-TERMINAL TRANSPORTATION SYSTEM AT HIA, OAHU					
		DESIGN AND CONSTRUCTION FOR THE INSTALLATION OF A PEOPLE MOVER SYSTEM FOR INTRA-TERMINAL TRANSPORTATION.					
		DESIGN		3,000			
		CONSTRUCTION				10,000	
		TOTAL FUNDING	TRN	3,000E		10,000E	
4.		A23 HIA AIRFIELD IMPROVEMENTS, OAHU					
		DESIGN & CONSTRUCT IMPROVEMENTS TO AIRFIELD FACILITIES INCLUDING TAXIWAYS, RUNWAYS, SIGNS, ENGINE RUN UP PAD, SERVICE ROADS, SAFETY AREAS, LIGHTING SYSTEMS, EMERGENCY GENERATOR AND OTHER MISC. IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.						
		DESIGN		100		250	
		CONSTRUCTION				1,500	
		TOTAL FUNDING	TRN	100E		1,250E	
			TRN	N		500N	
5.		A37 AIRPORT SYSTEMS IMPROVEMENTS, OAHU					
		DESIGN & CONSTRUCT SYSTEM IMPROVEMENTS INCLUDING ENERGY MANAGEMENT, SIGNS, FLIGHT INFORMATION, FIRE ALARM, SECURITY, OPERATIONAL CONTROLS, LOADING BRIDGES, UTILITIES, RAMP AIR, AND FUELING. IMPROVE ENERGY EFFICIENCY AND OPERATIONAL EFFICIENCY AND OTHER MISC. IMPROVEMENTS.						

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN		2,600			
		CONSTRUCTION		3,000		7,000	
		TOTAL FUNDING	TRN	5,600E		7,000E	
6.		A41 HIA TERMINAL MODIFICATIONS, OAHU					
		DESIGN AND CONSTRUCT IMPROVEMENTS TO FACILITIES INCLUDING EXPANSIONS OF INTERNATIONAL ARRIVALS FACILITIES, GATES, ROADS, BUILDINGS, PARKING, UTILITIES, AIRCRAFT PARKING APRONS, SIGNS, FURNITURE AND LANDSCAPING. RELOCATE EXISTING TENANTS. PROJECTS FOR OPERATIONAL AND ENERGY EFFICIENCY, PASSENGER CONVENIENCE AND OTHER MISCELLANEOUS IMPROVEMENTS.						
		DESIGN		14,700		8,000	
		CONSTRUCTION		130,500		72,500	
		TOTAL FUNDING	TRN	145,200E		80,500E	
7.		A43 SERVICE SUPPORT FACILITIES AT HIA, OAHU					
		DESIGN & CONSTRUCT BLDGS, ROADS, PARKING, UTIL, APRONS, LDNSCPG, TELEPHONE, NON-POTABLE WATER, LEASE LOTS, SERVICE CT DEVELOPMENT, TAXIWAY, CARGO FACIL, AIRCRAFT MAINT FACIL, GEN AVIATION FACIL, HELICOPTER FACIL, AIR TAXI FACIL, AIRCRAFT FUEL FACIL, AIR MUSEUM, AVIONICS SCH, FAA FLT SERV STA AND OTHER MISC. IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.						
		CONSTRUCTION		22,300			
		TOTAL FUNDING	TRN	21,700E			E
			TRN	600N			N
8.		A81 HICKAM AIRFIELD IMPROVEMENTS AT HIA, OAHU					
		DESIGN & CONSTRUCT HICKAM AIRFIELD FACILITIES INCLUDING BUILDINGS, RUNWAYS, TAXIWAYS, APRONS, ROADS, UTILITIES, LANDSCAPING, HANGERS AND OTHER MISC. IMPROVEMENTS FOR HICKAM AIR FORCE BASE IN EXCHANGE FOR TRANSFER OF HICKAM AIR FORCE BASE PROPERTY TO THE STATE AIRPORTS DIVISION.						
		DESIGN		5,000			
		CONSTRUCTION				25,000	
		TOTAL FUNDING	TRN	5,000E		25,000E	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
TRN111	**- GENERAL LYMAN FIELD FACILITIES & SERVICES**						
9	B10	GENERAL LYMAN IMPROVEMENTS, HAWAII					
		DESIGN AND CONSTRUCTION TO FACILITIES INCLUDING BLDGS ROADS, PARKING FACIL, TAXIWAYS, APRONS, CARGO FACIL, T-HANGARS, GENERAL AVIATION FACIL, LEASE, LOTS, HELICOPTER FACIL AND OTHER MISC IMPROVEMENTS MODIFICATIONS TO EXISTING FACILITIES AND RELOCATION OF TENANTS THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT						
		DESIGN		100		700	
		CONSTRUCTION		500		1,200	
		TOTAL FUNDING	TRN	600E		1,900E	
TRN114	**- KE-AHOLE AIRPORT FACILITIES AND SERVICES**						
10	C03	KEAHOLE AIRPORT IMPROVEMENTS, HAWAII					
		DESIGN & CONSTRUCT IMPROVEMENTS TO FACILITIES INCLUDING TERMINAL EXPANSION, BLDGS, ROADS PARKING, APRONS, RUNWAYS, TAXIWAYS, LEASE LOTS, GEN AVIATION FACIL UTIL, LANDSCAPING FURNITURE AND OTHER MISC IMPROVEMENTS ALTERATION TO EXISTING FACILITIES & RELOCATION OF TENANTS THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT						
		DESIGN		3,400		540	
		CONSTRUCTION		20,600		20,900	
		TOTAL FUNDING	TRN	23,000F		21,440E	
			TRN	1,000N		N	
11	C10	KEAHOLE AIRFIELD IMPROVEMENTS, HAWAII					
		DESIGN AND CONSTRUCT IMPROVEMENTS TO AIRFIELD INCLUDING RUNWAY EXTENSION TAXIWAYS, SERVICE ROADS, SITEWORK, PAVING PAINTING, ELECTRICAL AND STRENGTHEN EXISTING PAVEMENT ALTERATION OR RELOCATION OF EXISTING FACILITIES AND OTHER MISC IMPROVEMENTS						
		DESIGN		2,400		300	
		CONSTRUCTION		35,000		46,000	
		TOTAL FUNDING	TRN	32,400E		31,300E	
			TRN	5,000N		15,000N	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
TRN131		**- KAHULUI AIRPORT FACILITIES AND SERVICES**					
12.	DO4	KAHULUI AIRPORT EXPANSION, MAUI					
		DESIGN & CONSTRUCT ADDITIONS & ALTERATIONS TO BLDGS, ROADS & PARKING, APRONS, NEW TERMINAL, TAXIWAYS, RUNWAYS, LANDCPG, FURNITURE, SITEWORK, CARGO TERMINAL, OFFSITE DRAINAGE, UTIL, ACCESS ROAD, RELOCATE CONTROL TOWER AND OTHER MISC IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.					
		DESIGN		2,850		530	
		CONSTRUCTION		44,400		56,300	
		TOTAL FUNDING	TRN	47,250E		56,680E	
			TRN	N		150N	
13.	DO8	SERVICE SUPPORT FACILITIES AT KAHULUI AIRPORT, MAUI					
		DESIGN & CONSTRUCTION OF BUILDINGS ROADS, APRONS, TAXIWAYS, LEASELOTS, CARGO TERMINALS, HELIPADS, AIRLINES MAINTENANCE FACIL, FUEL STORAGE SITE, GENERAL AVIATION FACIL, UTILITIES, FLIGHT KITCHEN, ARFF FACIL, AIR TOUR FACIL, PARK, LANDSCAPING AND OTHER MISC. IMPROVEMENTS. RELOCATION OF EXISTING TENANTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.					
		DESIGN		310			
		CONSTRUCTION		3,050			
		TOTAL FUNDING	TRN	2,360E		E	
			TRN	1,000N		N	
14.	D10	KAHULUI AIRFIELD IMPROVEMENTS, MAUI					
		DESIGN AND CONSTRUCT EXTENSION TO RUNWAY & TAXIWAYS INCLUDING SITEWORK, PAVING, PAINTING, ELECTRICAL, STRENGTHEN EXISTING PAVEMENT, SERVICE ROADS, AIRCRAFT PARKING APRONS, ALTERATION OR RELOCATION OF EXISTING FACILITIES AND OTHER MISC. IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSMENT.					
		DESIGN		1,500			
		CONSTRUCTION		16,500		15,000	
		TOTAL FUNDING	TRN	12,900E		10,000E	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
			TRN	5,100	N	5,000	N
TRN141	**- MOLOKAI AIRPORT FACILITIES AND SERVICES**						
15	D55	MOLOKAI AIRPORT IMPROVEMENTS, MOLOKAI					
		DESIGN & CONSTRUCT BUILDINGS, ROADS, PARKING, APRONS, UTILITIES LANDSCAPING, MODIFICATIONS TO EXISTING FACILITIES, RELOCATION OF EXISTING TENANTS AND OTHER MISC IMPROVEMENTS					
		DESIGN				100	
		CONSTRUCTION		1,200		3,700	
		TOTAL FUNDING	TRN	1,200	F	3,800	F
TRN143	**- KALAUPAPA AIRPORT FACILITIES AND SERVICES**						
16	D60	KALAUPAPA AIRPORT IMPROVEMENTS, MOLOKAI					
		DESIGN & CONSTRUCT IMPROVEMENTS TO RUNWAY, TAXIWAY, ACCESS ROAD, APRON, UTILITIES, EXISTING TERMINALS, AND OTHER MISC IMPROVEMENTS THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT					
		DESIGN		750			
		CONSTRUCTION		5,000			
		TOTAL FUNDING	TRN	5,750	E		F
TRN151	**- LANAI AIRPORT FACILITIES AND SERVICES**						
17	D70	LANAI AIRPORT IMPROVEMENTS, LANAI					
		DESIGN & CONSTRUCT IMPROVEMENTS TO RUNWAY, ACCESS ROAD, PARKING, BUILDINGS, TAXIWAY, APRON, RUNWAY EXTENSION, STRENGTHEN EXISTING PAVEMENT, TERMINAL EXPANSION, UTILITIES, ALTERATION TO EXISTING FACILITIES, AND RELOCATION OF TENANTS AND OTHER MISC IMPROVEMENTS THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND OR REIMBURSEMENT					
		DESIGN		1,200		2,800	
		CONSTRUCTION		4,000		13,200	
		TOTAL FUNDING	TRN	5,200	E	15,000	E
			TRN		N	1,000	N
TRN161	**- LIHUE AIRPORT FACILITIES AND SERVICES**						

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
18.	EO3	LIHUE AIRPORT COMPLEX, KAUAI					
		DESIGN AND CONSTRUCT AIRPORT FACILITIES, INCLUDING: BUILDINGS, ROADS, PARKING, UTILITIES, AIRCRAFT APRONS, TAXIWAYS, RUNWAYS, CARGO TERMINAL, LEASE LOTS AND HANGARS, ALTERATION TO EXISTING FACILITIES INCL. BLDGS, AIRFIELD, ROADS, PARKING AND OTHER MISC. IMPROVEMENTS. RELOCATION OF TENANTS AND MODIFICATIONS TO EXISTING FACILITIES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.						
		DESIGN		1,720		900	
		CONSTRUCTION		27,550		9,000	
		TOTAL FUNDING	TRN	26,770E		8,900E	
			TRN	2,500N		1,000N	
19.	E10	LIHUE AIRFIELD IMPROVEMENTS, KAUAI					
		DESIGN & CONSTRUCT EXTENSION TO EXISTING RUNWAY AND TAXIWAYS INCLUDING SITEWORK, PAVING, PAINTING, ELECTRICAL, STRENGTHEN EXISTING PAVEMENT, ALTERATION OR RELOCATION OF EXISTING FACILITIES AND OTHER MISC. IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.						
		DESIGN		800			
		CONSTRUCTION				15,000	
		TOTAL FUNDING	TRN	800E		10,000E	
			TRN	N		5,000N	
20.	E61	KAUAI INLAND HELIPORT IMPROVEMENTS, KAUAI					
		DESIGN & CONSTRUCT INLAND HELIPORT INCLUDING BUILDINGS, APRONS, TAXIWAY, ROADS, UTILITIES, PARKING, FENCE, LEASE LOTS, SERVICE SUPPORT FACILITIES, ACCESS ROAD AND OTHER MISC. IMPROVEMENTS. LAND ACQUISITION, MASTER PLAN, NOISE COMPATABILITY PROGRAM PLANNING, AND ENVIRONMENTAL ASSESSMENT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.						
		PLANS		400			
		LAND		200			
		DESIGN		500			
		CONSTRUCTION				5,000	
		TOTAL FUNDING	TRN	1,000E		3,000E	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
			TRN	100N		2,000N	
TRN195	- AIR TRANSPORTATION FACILITIES & SVCS SUPPORT						
21	F04 AIRPORT PLANNING, STATEWIDE						
	PROVIDE BASIC DATA AND INFORMATION FOR PROPER PLANNING, PRELIMINARY DESIGN, SPECIAL ENGINEERING, ARCHITECTURAL, ENVIRONMENTAL, NOISE COMPATIBILITY, AND SPECIAL STUDIES FOR STATEWIDE SYSTEM OF AIRPORTS AND CONTINUE REVIEW AND UPDATING MASTER PLANS AND NOISE COMPATIBILITY PROGRAM THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT						
	PLANS			1,750		1,750	
	TOTAL FUNDING		TRN	1,500E		1,400E	
			TRN	250N		350N	
22	F06 LAND ACQUISITION, STATEWIDE						
	ACQUISITION OF LAND AIRPORT FACILITIES AND LEASE RIGHTS FOR STATEWIDE AIRPORTS						
	LAND			18,500		255 000	
	TOTAL FUNDING		TRN	18,500E		255,000E	
23	F08 AIRPORT IMPROVEMENTS, STATEWIDE						
	CONSTRUCTION OF MISCELLANEOUS IMPROVEMENTS TO VARIOUS AIRPORTS IMPROVEMENTS FOR SAFETY AND CERTIFICATION REQUIREMENTS IMPROVEMENT TO FACILITIES AND IMPROVEMENTS FOR OPERATIONAL EFFICIENCY THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT						
	CONSTRUCTION			6,000		4 100	
	TOTAL FUNDING		TRN	5,900E		4,000E	
			TRN	100N		100N	
24	F09 LAND ACQUISITION, STATEWIDE AIRPORTS						
	ACQUISITION OF LAND, AIRPORT FACILITIES AND LEASE RIGHTS FOR STATEWIDE AIRPORTS						
	LAND			7,000			
	TOTAL FUNDING		TRN	7,000E		E	
TRN301	- HONOLULU HARBOR FACILITIES AND SERVICES						

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
25.	JO2	IMPROVEMENTS TO FACILITIES AT PIERS 19 TO 34, HONOLULU HARBOR, OAHU					
		DESIGN AND CONSTRUCT A WOMEN'S TOILET AND FIRE SPRINKLER SYSTEM IN PIER 29 SHED AND ACCOMPLISH OTHER IMPROVEMENTS.					
		DESIGN		10		50	
		CONSTRUCTION		50			
		TOTAL FUNDING	TRN	60B		50B	
26.	J03	MISCELLANEOUS IMPROVEMENTS TO FACILITIES AT HONOLULU HARBOR, OAHU					
		DESIGN AND CONSTRUCTION FOR MISCELLANEOUS IMPROVEMENTS TO PIERS, SHEDS, AND YARD FACILITIES AT HONOLULU HARBOR, INCLUDING IMPROVEMENTS TO LIGHTING, PAVING, AND OTHER FACILITIES.					
		DESIGN		40		45	
		CONSTRUCTION		140		145	
		TOTAL FUNDING	TRN	180B		190B	
27.	J06	CONTAINER FACILITIES AT SAND ISLAND, OAHU					
		DESIGN AND CONSTRUCTION FOR DEVELOPMENT OF SAND ISLAND CONTAINER YARD AREAS, PIERS, AND OTHER IMPROVEMENTS.					
		DESIGN		150		200	
		CONSTRUCTION		3,850		7,900	
		TOTAL FUNDING	TRN	150B		200B	
			TRN	3,850E		7,900E	
28.	J20	IMPROVEMENTS TO PIERS 39-40 COMPLEX, HONOLULU HARBOR, OAHU					
		DESIGN AND CONSTRUCTION TO PIER, YARD, SHED, AND OTHER IMPROVEMENTS AT PIERS 39-40.					
		DESIGN		600			
		CONSTRUCTION		4,000		6,500	
		TOTAL FUNDING	TRN	4,600E		6,500E	
29.	J21	INTER-ISLAND MASS TRANSIT					
		CONSTRUCTION OF LOADING DOCKS, PASSENGER SHELTERS, AND OTHER IMPROVEMENTS AT BLACK ROCK, MAUI AND KAUNAKAKAI HARBOR, MOLOKAI.					
		CONSTRUCTION		1,000			
		TOTAL FUNDING	TRN	1,000A		A	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
30	J31	PIER 36 IMPROVEMENTS, HONOLULU HARBOR, OAHU					
		DESIGN AND CONSTRUCTION OF A BARGE PIER, DREDGING, AND OTHER IMPROVEMENTS					
		DESIGN		75			
		CONSTRUCTION		500			
		TOTAL FUNDING	TRN	575E			E
30A		INTRA-ISLAND FERRY SYSTEM, OAHU					
		DESIGN AND CONSTRUCTION OF FERRY TERMINAL FACILITIES AT BARBERS POINT, OAHU AND AT HONOLULU HARBOR OR KEWALO BASIN, OAHU. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT					
		DESIGN				100	
		CONSTRUCTION				760	
		TOTAL FUNDING	TRN	C		860C	
TRN303		**- BARBERS POINT HARBOR FACILITIES AND SERVICES**					
31	J11	BARBERS POINT DEEP DRAFT HARBOR IMPROVEMENTS, OAHU					
		DESIGN AND CONSTRUCTION FOR INCREMENTAL DEVELOPMENT OF BARBERS POINT, TO INCLUDE PIER, YARD AND SHED FACILITIES, UTILITIES, AND OTHER IMPROVEMENTS					
		DESIGN		300			
		CONSTRUCTION				3,000	
		TOTAL FUNDING	TRN	300B			B
			TRN		F	3,000E	
32		BARBERS POINT HARBOR MODIFICATIONS, OAHU					
		PLANS FOR THE TECHNICAL MODIFICATION STUDIES FOR THE BARBERS POINT HARBOR CHANNEL					
		PLANS		300			
		TOTAL FUNDING	TRN	300A			A
TRN311		**- HILO HARBOR FACILITIES AND SERVICES**					
32A	L06	CONTAINER FACILITIES AT HILO HARBOR, HAWAII					
		DESIGN AND CONSTRUCTION TO COMPLETE PAVING OF STORAGE YARD, GRADE AND PAVE FORMER CREMATORIUM SITE, AND ACCOMPLISH OTHER IMPROVEMENTS					
		DESIGN				45	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		CONSTRUCTION				300	
		TOTAL FUNDING	TRN		B	345	B
TRN313		**- KAWAIHAE HARBOR FACILITIES AND SERVICES**					
33.	LO3	KAWAIHAE HARBOR IMPROVEMENTS, HAWAII					
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS; TO INCLUDE: PIER EXTENSION AND OTHER IMPROVEMENTS.					
		DESIGN		300			
		CONSTRUCTION		4,700			
		TOTAL FUNDING	TRN	300	B		B
			TRN	4,700	E		E
TRN331		**- KAHULUI HARBOR FACILITIES AND SERVICES**					
34.	M09	KAHULUI HARBOR IMPROVEMENTS, MAUI					
		LAND, DESIGN, AND CONSTRUCTION FOR DREDGING, BERTHING, YARD AND OTHER IMPROVEMENTS.					
		LAND		200		900	
		DESIGN				50	
		CONSTRUCTION		1,000		150	
		TOTAL FUNDING	TRN	200	B	1,100	B
			TRN	1,000	E		E
TRN341		**- KAUNAKAKAI HARBOR FACILITIES AND SERVICES**					
35.	M07	KAUNAKAKAI HARBOR SHED IMPROVEMENTS, MOLOKAI					
		DESIGN AND CONSTRUCT ADDITIONAL SHED AREAS AND OTHER IMPROVEMENTS.					
		DESIGN		25			
		CONSTRUCTION		150			
		TOTAL FUNDING	TRN	175	B		B
TRN361		**- NAWILIWILI HARBOR FACILITIES AND SERVICES**					
36.	K11	PIER THREE DEVELOPMENT, NAWILIWILI HARBOR, KAUAI					
		CONSTRUCTION OF A PIER THREE; TO INCLUDE: YARDS, PIER FACILITIES, ACCESS ROADS AND OTHER IMPROVEMENTS.					
		CONSTRUCTION		8,500		17,000	
		TOTAL FUNDING	TRN	8,500	E	17,000	E
TRN395		**- WATER TRANSPORTATION FAC & SVCS SUPPORT**					
37.	I01	STATEWIDE HARBOR PLANNING					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		CONTINUING HARBOR STUDIES, RESEARCH AND ADVANCE PLANNING OF HARBOR AND TERMINAL FACILITIES ON ALL ISLANDS OFFSHORE LANDFILL FOR CONTAINER YARD EXPANSION AT KAHULUI HARBOR					
		PLANS		150		150	
		TOTAL FUNDING	TRN	150B		150B	
38	103	MISCELLANEOUS IMPROVEMENTS TO FACILITIES AT NEIGHBOR ISLAND PORTS					
		DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO YARD AREAS, SHEDS, PIERS, UTILITIES, WATER AREAS AND OTHER FACILITIES					
		DESIGN		50		50	
		CONSTRUCTION		150		150	
		TOTAL FUNDING	TRN	200B		200B	
TRN501		**- OAHU HIGHWAYS AND SERVICES**					
39	Q53	INTERSTATE H-1, MIDDLE STREET TO KEEAUMOKU STREET, OAHU					
		DESIGN TO INCREASE THE CAPACITY OF THE HIGHWAY FROM MIDDLE STREET TO KEEAUMOKU STREET THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT					
		DESIGN		1,249			
		TOTAL FUNDING	TRN	349B			B
			TRN	900J			J
40	R12	INTERSTATE ROUTE H-1, EAST OF HALAWA I C TO MIDDLE ST SEPARATION, OAHU					
		INCREMENTAL CONSTRUCTION OF EIGHT FREEWAY LANES, INCLUDING PEARL HARBOR AIRPORT AND KEEHI INTERCHANGES CONSTRUCTION OF A TRESTLE STRUCTURE AT KEEHI INTERCHANGE THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT					
		CONSTRUCTION		7,725			
		TOTAL FUNDING	TRN	865D			D
			TRN	6,860J			J
41	R30	INTERSTATE ROUTE H-3, JUNCTION AT H-1 TO KANEOHE MARINE CORPS AIR STATION, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		LAND ACQUISITION AND CONSTRUCTION OF DIVIDED HIGHWAY FROM JUNCTION AT H-1 TO KANEOHE MARINE CORPS AIR STATION, OAHU. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.					
		LAND		6,669			
		CONSTRUCTION		208,654		39,657	
		TOTAL FUNDING	TRN	28,715	D	5,222	D
			TRN	186,608	J	34,435	J
42.		R76 KALANIANAOLE HIGHWAY, AINA KOA TO KEAHOLE STREET, OAHU					
		PLANS, LAND, DESIGN, AND CONSTRUCTION FOR WIDENING KALANIANAOLE HIGHWAY TO A SIX LANE DIVIDED HIGHWAY FROM WEST HIND DRIVE TO KEAHOLE STREET; TO INCLUDE: SIDEWALKS, SHOULDERS, MEDIANS, AND OTHER IMPROVEMENTS FROM AINA KOA TO KEAHOLE STREET, OAHU.					
		PLANS		257			
		LAND		6,901		6,556	
		DESIGN		585			
		CONSTRUCTION		15,094		27,415	
		TOTAL FUNDING	TRN		A	27,750	A
			TRN	6,154	D	1,548	D
			TRN	16,683	K	4,673	K
43.		S05 VINEYARD BOULEVARD AND *PUNCHBOWL STREET* INTERSECTION IMPROVEMENT, OAHU					
		LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR AN ADDITIONAL LEFT TURN LANE FROM VINEYARD BLVD. INTO PUNCHBOWL STREET.					
		LAND		25			
		DESIGN		5			
		CONSTRUCTION		900			
		TOTAL FUNDING	TRN	930	B		B
44.		S06 KALIHI STREET IMPROVEMENTS FROM KING STREET TO NIMITZ HIGHWAY, OAHU					
		LAND ACQUISITION, DESIGN AND CONSTRUCTION TO WIDEN FOUR LANES; TO INCLUDE: CURB, GUTTERS, SIDEWALKS, DRAINAGE, AND OTHER IMPROVEMENTS.					
		LAND		50			
		DESIGN		150			
		CONSTRUCTION				3,000	
		TOTAL FUNDING	TRN	200	B		B
			TRN		D	3,000	D

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
45	S07	LIKELIKE HIGHWAY INTERSECTION IMPROVEMENTS AT SCHOOL STREET, OAHU					
		CONSTRUCTION OF LEFT TURN LANES ON SCHOOL STREET, MODIFICATION OF THE EXISTING TRAFFIC SIGNAL SYSTEM, AND RELATED IMPROVEMENTS, OAHU					
		CONSTRUCTION		300			
		TOTAL FUNDING	TRN	45B			B
			TRN	255N			N
46	S08	PALI HIGHWAY, HIGHWAY LIGHTS, PALI TUNNEL TO WAOKANAKA STREET, OAHU					
		DESIGN AND CONSTRUCTION FOR THE INSTALLATION OF HIGHWAY LIGHTS					
		DESIGN		112			
		TOTAL FUNDING	TRN	112B			B
47	S09	LIKELIKE HIGHWAY LIGHTS, WILSON TUNNEL TO VALLEY VIEW ROAD, OAHU					
		DESIGN INSTALLATION OF HIGHWAY LIGHTS BETWEEN WILSON TUNNEL AND VALLEY VIEW ROAD OAHU					
		DESIGN		50			
		TOTAL FUNDING	TRN	50B			B
48	S10	PALI HIGHWAY AND/OR LIKELIKE HIGHWAY CONTRAFLOW LANE, OAHU					
		DESIGN THE IMPLEMENTATION OF CONTRA- FLOW LANE ON THE PALI HIGHWAY AND/OR THE LIKELIKE HIGHWAY DURING THE PEAK TRAFFIC PERIODS					
		DESIGN		250			
		TOTAL FUNDING	TRN	250B			B
49	S15	SHORELINE PROTECTION ALONG KAMEHAMEHA HIGHWAY, OAHU					
		INVESTIGATE, PLAN, DESIGN, AND CONSTRUCT SHORELINE PROTECTION FOR THOSE AREAS OF KAMEHAMEHA HIGHWAY SUSCEPTIBLE TO OCEAN EROSION DUE TO WAVE ACTION, PARTICULARLY IN THE VICINITY OF KAAAWA, PUNALUU, AND HAUULA, OAHU					
		PLANS		150			
		TOTAL FUNDING	TRN	150B			B

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
50.	S16	RELOCATION OF KANEOHE BAY BASEYARD, OAHU					
		DESIGN AND CONSTRUCTION FOR A NEW BASEYARD FACILITY TO REPLACE EXISTING BASEYARD.					
		DESIGN		60			
		CONSTRUCTION		620			
		TOTAL FUNDING	TRN	60B			B
			TRN	620D			D
51.	S70	FORT WEAVER ROAD REALIGNMENT AND WIDENING, EWA, OAHU					
		CONSTRUCT THE REALIGNMENT AND WIDENING OF FORT WEAVER ROAD INCLUDING IMPROVEMENTS TO KUNIA ROAD TO PROVIDE FOR A CONNECTION TO H-1 AND IMPROVEMENTS OF EXISTING TWO-LANE HIGHWAY TO A DIVIDED HIGHWAY, AND FOR THE EXTENTION OF THE RENTON ROAD-HANAKAHI STREET SECTION. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.					
		CONSTRUCTION		11,773			
		TOTAL FUNDING	TRN	2,843D			D
			TRN	8,930K			K
52.	S78	GUARDRAIL & SHOULDER IMPROV. AT VARIOUS LOCATIONS ON STATE HIGHWAYS, OAHU					
		DESIGN THE UPGRADING OF EXISTING DIRT OR SOD SHOULDERS WITH STABILIZED BASE AND SURFACE TREATMENT OR PAVING AND INSTALLATION OF METAL GUARDRAILS, CONCRETE SAFETY BARRIERS AND MODERNIZATION OF EXISTING GUARDRAILS AT VARIOUS LOCATIONS ON STATE HIGHWAYS ON OAHU.					
		DESIGN		50		50	
		TOTAL FUNDING	TRN	50B		50B	
53.	S80	HIGHWAY LIGHTING IMPROVEMENTS, OAHU					
		DESIGN THE HIGHWAY LIGHTING IMPROVEMENTS AND REHABILITATION AT VARIOUS LOCATIONS ON OAHU THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT					
		DESIGN		145			
		TOTAL FUNDING	TRN	145B			B

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
53A	S82	NIMITZ HIGHWAY - MAKAI BOULEVARD IMPROVEMENTS, OAHU					
		PLANS FOR IMPROVEMENTS TO NIMITZ HIGHWAY FROM KEEHI INTERCHANGE AT INTERSTATE H-1 ALONG THE MAKAI BOULEVARD NETWORK TO KAPIOLANI INTERCHANGE ON INTERSTATE H-1 THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL-AID FINANCING AND/OR REIMBURSEMENT					
		PLANS				450	
		TOTAL FUNDING	TRN		C	450	C
53B		SAND ISLAND ACCESS ROAD IMPROVEMENTS, OAHU					
		PLANS AND DESIGN FOR IMPROVEMENTS TO SAND ISLAND ACCESS ROAD TO HELP CORRECT FLOODING CONDITIONS AT THE INDUSTRIAL PARK AREA					
		PLANS				250	
		DESIGN				800	
		TOTAL FUNDING	TRN		C	1,050	C
53C		FORT WEAVER ROAD, EWA IMPROVEMENTS, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO FORT WEAVER ROAD TO HELP CORRECT THE FLOODING CONDITIONS AND PROVIDE THE NECESSARY SAFETY IMPROVEMENTS TO THE ROAD					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				498	
		TOTAL FUNDING	TRN		C	500	C
54	S85	REHABILITATE EXISTING SPRINKLER SYSTEMS AT VARIOUS LOCATIONS OAHU					
		DESIGN AND CONSTRUCTION FOR THE REHABILITATION OF THE EXISTING SPRINKLER SYSTEM TO CONSERVE WATER ON LANDSCAPED AREAS ALONG THE INTERSTATE FREEWAYS AND OTHER MAJOR URBAN HIGHWAYS, AND REESTABLISH LANDSCAPING WHERE NEEDED					
		DESIGN		15			
		CONSTRUCTION		165			
		TOTAL FUNDING	TRN	180	B		B
55	Q58	INTERSTATE ROUTE H-1, KUNIA INTERCHANGE, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN FOR MODIFICATIONS TO KUNIA INTERCHANGE, INTERSTATE ROUTE H-1, OAHU.					
		DESIGN		1,000			
		TOTAL FUNDING	TRN	100D			D
			TRN	900J			J
56.		Q59 HIGHWAY LIGHTS, KUNIA INTERCHANGE TO PALAILAI INTERCHANGE, INTERSTATE H-1					
		DESIGN AND CONSTRUCTION FOR LIGHTING IMPROVEMENTS TO INTERSTATE ROUTE H-1, KUNIA INTERCHANGE TO PALAILAI INTERCHANGE, OAHU.					
		DESIGN		60			
		CONSTRUCTION		540			
		TOTAL FUNDING	TRN	60D			D
			TRN	540J			J
57.		S17 FARRINGTON HIGHWAY IMPROVEMENTS, OAHU					
		DESIGN AND CONSTRUCTION FOR FARRINGTON HIGHWAY IMPROVEMENTS FROM HELEUMA STREET TO JADE STREET.					
		DESIGN		168			
		CONSTRUCTION		832		1,000	
		TOTAL FUNDING	TRN	168B			B
			TRN	C		1,000C	
			TRN	832D			D
58.		S18 KAMEHAMEHA HWY, KIPAPA GULCH TOWARDS MILILANI, SAFETY IMPROVEMENTS, OAHU					
		DESIGN AND CONSTRUCTION OF SAFETY IMPROVEMENTS AT KIPAPA GULCH TO CONTROL HILLSIDE EROSION ONTO KAMEHAMEHA HIGHWAY.					
		DESIGN				45	
		CONSTRUCTION				750	
		TOTAL FUNDING	TRN		D		795D
59.		S19 KANEOHE BAY DRIVE/MOAKAKA INTERSECTION IMPROVEMENTS, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS TO INTERSECTION.					
		PLANS		1			
		DESIGN		24			
		CONSTRUCTION		125			
		TOTAL FUNDING	TRN	150D			D
59A.		S21 CASTLE HILLS REPLACEMENT ACCESS ROAD, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		LAND ACQUISITION, DESIGN AND CONSTRUCTION TO REPLACE THE PRESENT CASTLE HILLS SUBDIVISION ACCESS ON LIKELIKE HIGHWAY WITH A NEW ROADWAY TO KEAAHALA ROAD					
		LAND				50	
		DESIGN				150	
		CONSTRUCTION				1,250	
		TOTAL FUNDING	TRN		B	1,450	B
60		R53 KAMEHAMEHA HIGHWAY, HELEMANO-WAIALUA JUNCTION TO HALEIWA BEACH PARK, OAHU					
		LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR REALIGNMENT AND IMPROVEMENT OF HIGHWAY FROM HELEMANO-WAIALUA JUNCTION TO HALEIWA BEACH PARK. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL-AID FINANCING AND/OR REIMBURSEMENT					
		LAND				3,298	
		DESIGN				305	
		CONSTRUCTION		500		16,800	
		TOTAL FUNDING	FRN		C	20,403	C
			TRN	500	D		D
60A		INTERSECTION IMPROVEMENTS AT FARRINGTON HIGHWAY AND LAALOA STREET, OAHU					
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO THE INTERSECTION OF FARRINGTON HIGHWAY AND LAALOA STREET, INCLUDING THE INSTALLATION OF A TRAFFIC SIGNAL SYSTEM					
		DESIGN				20	
		CONSTRUCTION				180	
		TOTAL FUNDING	TRN		C	200	C
60B		KAAAWA FLOOD CONTROL IMPROVEMENTS, OAHU					
		DESIGN AND CONSTRUCTION FOR THE INSTALLATION OF A DRAIN INTAKE STRUCTURE THROUGH SWANZY BEACH PARK IN KAAAWA TO HELP ALLEVIATE FLOODING PROBLEMS					
		DESIGN				15	
		CONSTRUCTION				150	
		TOTAL FUNDING	TRN		A	165	A
60C		ALA MAHAMOE/JARRETT WHITE ROAD, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION OF TRAFFIC SIGNAL LIGHTS					
		PLANS				5	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		DESIGN					5
		CONSTRUCTION					140
		TOTAL FUNDING	TRN		A		150A
TRN511		**- HAWAII HIGHWAYS AND SERVICES**					
61.	T03	HAWAII BELT ROAD, HOLUALOA TO PAPA, HAWAII					
		LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR THE INCREMENTAL CONSTRUCTION OF TWO-LANE HIGHWAY FROM HOLUALOA TO PAPA. THIS IS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID AND/OR REIMBURSEMENT.					
		LAND			400		400
		DESIGN			300		300
		CONSTRUCTION					2,300
		TOTAL FUNDING	TRN		700D		3,000D
62.	T77	GUARDRAIL & SHOULDER IMPROV AT VARIOUS LOCATIONS ON STATE HIGHWAYS, HAWAII					
		DESIGN THE UPGRADING OF EXISTING DIRT OR SOD SHOULDERS WITH STABILIZED BASE AND SURFACE TREATMENT OR PAVING, INSTALLATION OF METAL GUARDRAILS AND MODERNIZATION OF EXISTING GUARDRAILS AT VARIOUS LOCATIONS ON STATE HIGHWAYS ON HAWAII.					
		DESIGN			30		30
		TOTAL FUNDING	TRN		30B		30B
62A.	T82	WIDENING OF QUEEN KAAHUMANU HIGHWAY, HAWAII					
		PLANS FOR THE WIDENING OF QUEEN KAAHUMANU HIGHWAY TO A FOUR LANE DIVIDED HIGHWAY IN THE VICINITY OF PALANI ROAD TOWARD KAWAIHAE INCLUDING PAVED SHOULDERS FOR A BIKE ROUTE.					
		PLANS					2,000
		TOTAL FUNDING	TRN		C		2,000C
62B.	T07	HAWAII BELT ROAD, MUD LANE TO THE KAMUELA RACE TRACK, HAWAII					
		DESIGN FOR WIDENING AND/OR REALIGNING OF HIGHWAY BETWEEN MUD LANE AND KAMUELA RACE TRACK IN SOUTH KOHALA, HAWAII. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL-AID FINANCING AND/OR REIMBURSEMENT.					
		DESIGN					1,000

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		TOTAL FUNDING	TRN		A		800A
			TRN		C		200C
63	T83	SADDLE ROAD IMPROVEMENTS, HAWAII					
		LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR WIDENING AND REALIGNMENT OF EXISTING ROADWAY TO CURRENT DESIGN STANDARDS PROJECT CONSTITUTES THE INITIAL IMPROVEMENTS TO BE MADE WHEN PHASE IV TAKEOVER OF COUNTY ROAD IS IMPLEMENTED					
		LAND					85
		DESIGN		160		570	
		CONSTRUCTION		1,781			
		TOTAL FUNDING	TRN	1,941	D	655	D
63A		MAMALAHOA HIGHWAY, HAWAII					
		PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS ON MAMALAHOA HIGHWAY IN NORTH KONA BY THE INTERSECTION OF KONA PALISADES SUBDIVISION AND MATSUYAMA STORE					
		PLANS					20
		DESIGN					20
		CONSTRUCTION					710
		TOTAL FUNDING	TRN		A		750A
TRN531		**- MAUI HIGHWAYS AND SERVICES**					
64	V41	HALEAKALA HIGHWAY HANA HIGHWAY TO KULA					
		HIGHWAY MAKAWAO, MAUI					
		LAND ACQUISITION, DESIGN AND CONSTRUCTION OF HIGHWAY FROM HALIIMAILE ROAD TO KULA HIGHWAY JUNCTION AND A TRUCK CLIMBING LANE FROM HANA HIGHWAY TO HALIIMAILE ROAD THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND OR REIMBURSEMENT					
		LAND					1,365
		DESIGN		130			1,170
		CONSTRUCTION					12,057
		TOTAL FUNDING	TRN	55	B		B
			TRN		C	13,692	C
			TRN		D		900D
			TRN	75	K		K
65	V45	HANA HIGHWAY HUELO TO HANA, MAUI					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN AND CONSTRUCTION TO REPAIR AND REPLACE BRIDGES, ROADWAYS, AND CULVERTS, SAFETY IMPROVEMENTS, AND RESURFACING OF HANA HIGHWAY FROM HUELO TO HANA REPAIR AND REPLACEMENT OF BRIDGES TO INCLUDE THE KAWAIPAPA STREAM BRIDGE IN HANA					
		DESIGN		760			
		CONSTRUCTION		7,400			
		TOTAL FUNDING	TRN	660B			B
			TRN	7 500D			D
66	V48	GUARDRAIL AND SHOULDER IMPROVEMENTS ON STATE HIGHWAYS, MAUI					
		DESIGN THE UPGRADING OF EXISTING DIRT OR SOD SHOULDERS WITH STABILIZED BASE AND SURFACE TREATMENT OR PAVING, THE INSTALLATION OF METAL GUARDRAILS AND THE MODERNIZATION OF EXISTING GUARDRAILS AT VARIOUS LOCATIONS ON STATE HIGHWAYS ON MAUI					
		DESIGN		66			66
		TOTAL FUNDING	TRN	66B			66B
67	V51	HONOAPIILANI HWY WIDENING AND OR REALIGNMENT HONOKOWAI TO PUAMANA MAUI					
		LAND ACQUISITION DESIGN AND CONSTRUCTION FOR THE WIDENING OF THE EXISTING HIGHWAY AND/OR CONSTRUCTION OF A NEW ALIGNMENT FROM HONOKOWAI TO PUAMANA, LAHAINA THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID AND/OR FINANCING					
		LAND		3 697			
		DESIGN		2,391			
		CONSTRUCTION				9 020	
		TOTAL FUNDING	TRN	1 569D		2,255D	
			TRN	4,519K		6 765K	
68	V53	HONOAPIILANI HIGHWAY REVETMENT PROTECTION AT LAUNIUPOKO, MAUI					
		DESIGN THE CONSTRUCTION OF A REVETMENT AT LAUNIUPOKO TO PROTECT A 1000 FOOT LONG SECTION OF THE HIGHWAY ALONG THE SHORELINE FROM EROSION DUE TO WAVE ACTIVITY					
		DESIGN		170			
		TOTAL FUNDING	TRN	170B			B

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
68A		MOKULELE HIGHWAY, KIHEI TO PUUNENE, MAUI					
		PLANS, DESIGN, AND CONSTRUCTION FOR SHOULDER IMPROVEMENTS OF THE MOKULELE HIGHWAY					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				748	
		TOTAL FUNDING	TRN		A	750A	
68B		HIGHWAY MASTER PLAN, PIILANI TO KUEHELANI, MAUI					
		PLANS AND DESIGN FOR A HIGHWAY FROM PIILANI TO KUEHELANI					
		PLANS				500	
		DESIGN				750	
		TOTAL FUNDING	TRN		A	1,250A	
68C		KAHULUI BEACH ROAD IMPROVEMENTS, MAUI					
		PLANS, DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO INCLUDE SHOULDER WIDENING TO KAHULUI BEACH ROAD					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				298	
		TOTAL FUNDING	TRN		A	300A	
TRN541		**- MOLOKAI HIGHWAYS AND SERVICES**					
69		W08 GUARDRAIL AND SHOULDER IMPROVEMENTS ON STATE HIGHWAYS, MOLOKAI					
		DESIGN THE UPGRADING OF EXISTING DIRT OR SOD SHOULDERS WITH STABILIZED BASE AND SURFACE TREATMENT OR PAVING, THE INSTALLATION OF METAL GUARDRAILS AND THE MODERNIZATION OF EXISTING GUARDRAILS AT VARIOUS LOCATIONS ON STATE HIGHWAYS ON MOLOKAI					
		DESIGN			60		
		TOTAL FUNDING	TRN		60B		B
TRN561		**- KAUAI HIGHWAYS AND SERVICES**					
70		X51 GUARDRAIL & SHOULDER IMPROV AT VARIOUS LOCATIONS ON STATE HIGHWAYS, KAUAI					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN THE UPGRADING OF EXISTING DIRT OR SOD SHOULDERS WITH STABILIZED BASE AND SURFACE TREATMENT OR PAVING, AND THE INSTALLATION OF METAL GUARDRAILS AND THE MODERNIZATION OF EXISTING GUARDRAILS AT VARIOUS LOCATIONS ON STATE HIGHWAYS ON KAUAI.					
		DESIGN			30		30
		TOTAL FUNDING	TRN		30B		30B
70A.		XO3 KAUAI BELT ROAD - PRINCEVILLE TO KALIHIWAI, HANALEI, KAUAI					
		CONSTRUCTION OF HIGHWAY, INCLUDING APPURTENANT DRAINAGE, LANDSCAPING AND IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL-AID FINANCING AND/OR REIMBURSEMENT.					
		CONSTRUCTION					5,273
		TOTAL FUNDING	TRN		C		1,500C
			TRN		K		3,773K
71.		X6O INTERSECTION IMPROVEMENTS AT KAUMUALII HIGHWAY AND KOLOA ROAD, KAUAI					
		DESIGN THE RECONSTRUCTION OF THE INTERSECTION, INCLUDING LEFT-TURN AND RIGHT-TURN LANES AND TRAFFIC SIGNAL SYSTEM, TOGETHER WITH THE ADDITION OF TWO LANES TO LAWAI BRIDGE.					
		DESIGN					179
		TOTAL FUNDING	TRN		B		179B
72.		X62 KUHIO HIGHWAY - WAILUA BRIDGE AND COCO PALMS INTERSECTION IMPROVEMENTS, KAUAI					
		LAND ACQUISITION, DESIGN AND CONSTRUCTION OF KUHIO HIGHWAY INTERSECTION IMPROVEMENTS AT WAIALUA BRIDGE AND COCO PALMS INTERSECTION.					
		LAND			20		
		DESIGN			50		
		CONSTRUCTION			430		
		TOTAL FUNDING	TRN		500D		D
73		X63 KAUMUALII HIGHWAY - SHORING CAUSEWAY, KAUAI					
		LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR A KAUMUALII HIGHWAY SHORING CAUSEWAY AT KAUMUALII HIGHWAY, KUHIO HIGHWAY AND RICE STREET INTERSECTION					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		LAND		50			
		DESIGN		100			
		CONSTRUCTION		980			
		TOTAL FUNDING	TRN	1,130	D		D
74	X64	KUHIO HIGHWAY, KAPAA - LEFT TURN LANE, KAUAI					
		LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR LEFT TURN STORAGE LANES AT TWO INTERSECTIONS AT WAIPOULI TOWN CENTER AND BIG SAVE					
		LAND		5			
		DESIGN		25			
		CONSTRUCTION		220			
		TOTAL FUNDING	TRN	250	D		D
75	X61	NAWILIWILI ROAD - WAAPA ROAD INTERSECTION, KAUAI					
		LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR THE REALIGNMENT OF THE HIGHWAY AT THE INTERSECTION OF NAWILIWILI ROAD AND WAAPA ROAD					
		LAND		20			
		DESIGN		60			
		CONSTRUCTION		520			
		TOTAL FUNDING	TRN	600	D		D
76	X65	PUHI AND KAPAA BYPASS ROAD, KAUAI					
		PLANS, DESIGN, AND CONSTRUCTION FOR A BYPASS ROAD BETWEEN PUHI AND KAPAA, KAUAI					
		PLANS		50			
		DESIGN		100			
		CONSTRUCTION		850		2,800	
		TOTAL FUNDING	TRN	1,000	B		B
			TRN		C	2,800	C
76A		WAILUA TO KAPAA CORRIDOR ROAD IMPROVEMENTS, KAUAI					
		DESIGN AND CONSTRUCTION FOR THE IMPROVEMENTS FOR THE WAILUA TO KAPAA CORRIDOR ROAD					
		DESIGN				200	
		CONSTRUCTION				1,800	
		TOTAL FUNDING	TRN		C	2,000	C
TRN595		**- LAND TRANSPORTATION FAC & SVCS SUPPORT**					
77	X90	MATERIAL TESTING LAB, CHEMICALS HANDLING UPGRADES, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN, CONSTRUCTION AND EQUIPMENT TO CONSTRUCT HAZARDOUS WASTE STORAGE AND RECLAMATION SHED AND TO REPLACE AND CONSTRUCT EXAHAUST SYSTEM AND FUME HOOD IN CHEMICAL LAB.					
		DESIGN		15			
		CONSTRUCTION		45			
		EQUIPMENT		85			
		TOTAL FUNDING	TRN	145C			C
78.	X98	MISCELLANEOUS IMPROVEMENTS TO EXISTING INTERSECT. & HWY. FACILITIES, STATEWIDE					
		LAND ACQUISITION, DESIGN AND CONSTRUCTION OF MISCELLANEOUS IMPROVEMENTS TO EXISTING INTERSECTIONS AND HIGHWAY FACILITIES NECESSARY FOR TRAFFIC SAFETY, INCLUDING ELIMINATION OF CONSTRICTIONS ON- & OFF-SITE, EFFECTING EFFICIENT FLOW OF TRAFFIC ON INTERSTATE HIGHWAYS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.					
		LAND		100			
		DESIGN		345			
		CONSTRUCTION		2,205			
		TOTAL FUNDING	TRN	1,025B			B
			TRN	1,625N			N
79	X99	HIGHWAY PLANNING, STATEWIDE					
		PLANS FOR ROAD USE, ROAD LIFE, ECONOMIC STUDIES, RESEARCH AND ADVANCED PLANNING OF FEDERAL-AID AND NON-FEDERAL- AID HIGHWAY PROJECTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.					
		PLANS		3,251		3,251	
		TOTAL FUNDING	TRN	1,098B		1,098B	
			TRN	2,153N		2,153N	

D. ENVIRONMENTAL PROTECTION

LNR402 - FORESTS AND WILDLIFE RESOURCES

1.	D08	DEPARTMENT OF LAND AND NATURAL RESOURCES BASEYARD, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		PLANS, LAND ACQUISITION, DESIGN AND INCREMENTAL CONSTRUCTION OF FACILITIES FOR A CENTRALLY LOCATED BASE OF OPERATIONS THE IMPROVEMENTS SHALL CONSIST OF WAREHOUSING, MECHANICAL REPAIR SHOP, FIRE CACHE, NURSERY, ADMIN OFFICE, RESEARCH FACILITIES, SECURITY PARKING, AND OTHER APPURTENANT AND INCIDENTAL WORKS						
		PLANS		250			
		LAND		150			
		DESIGN		150		100	
		CONSTRUCTION				500	
		TOTAL FUNDING	LNR	550C		600C	
2		D-23 HAWAII ENDANGERED SPECIES FACILITY, MAUI					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR RENOVATION OF AN ENDANGERED SPECIES FACILITY TO MAINTAIN AND BREED ENDANGERED SPECIES IN CAPTIVITY FOR RESEARCH AND RELEASE INTO THE WILD, TO INCLUDE FACILITIES FOR RESEARCH, VETERINARY MEDICINE AND SECURITY THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT						
		DESIGN		49			
		CONSTRUCTION		656			
		EQUIPMENT		75			
		TOTAL FUNDING	LNR	680C			C
			LNR	100N			N
3		D-42 KAMUELA SUPPORT FACILITY, HAWAII					
		DESIGN AND CONSTRUCTION OF A STRUCTURE TO PROVIDE COVERED PARKING FOR VEHICLES AND EQUIPMENT AT KAMUELA, ENCLOSED STORAGE SPACE FOR OPERATIONAL AND FIRE TOOLS, SMALL EQUIPMENT, MATERIAL AND SUPPLIES, AND A WORKSHOP TO ACCOMMODATE MAINTENANCE AND MINOR REPAIR WORK ON FACILITIES AND EQUIPMENT						
		DESIGN		5			
		CONSTRUCTION		150			
		TOTAL FUNDING	LNR	155C			C
4		D-44 POLIPOLI ACCESS ROAD, MAUI					
		PLANS, DESIGN, AND CONSTRUCTION FOR INCREMENTAL PAVING OF POLIPOLI ACCESS ROAD TO IMPROVE ACCESS TO PUBLIC HUNTING AREAS - 2 9 MILES					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		PLANS				2	
		DESIGN				4	
		CONSTRUCTION				170	
		TOTAL FUNDING	LNR		C	176	C
5.		D-45 KAWAINUI MARSH WILDLIFE SANCTUARY, OAHU					
		PLANS, DESIGN, CONSTRUCTION AND EQUIP. FOR WILDLIFE CONSERVATION AND EDUCATION FACILITIES; TO INCLUDE: VEGETATION REMOVAL, BOUNDRY FENCES, ACCESS TRAILS, VIEWING SITES, AND BOUNDRY/ INTERPRETIVE SIGNS AND DISPLAYS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.					
		PLANS		40		5	
		DESIGN		30			
		CONSTRUCTION		111		374	
		EQUIPMENT		150		50	
		TOTAL FUNDING	LNR	160	C	210	C
			LNR	171	N	219	N
6.		D-56 ARBORETUM ROAD AND PATHWAY PAVING, KEANAE, MAUI					
		PLANS, DESIGN AND CONSTRUCTION FOR PAVING OF AN 8-FOOT WIDE BY 2640-FOOT LONG ROADWAY INTO THE ARBORETUM AND THE PAVING OF A 5-FOOT WIDE BY 900-FOOT LONG HANDICAPPED ACCESS PATHWAY THROUGH THE ARBORETUM GROUNDS.					
		PLANS		2			
		DESIGN		5			
		CONSTRUCTION		104			
		TOTAL FUNDING	LNR	111	C		C
7.		D-57 HABITAT IMPROVEMENTS AT KANAHA POND WILDLIFE SANCTUARY, MAUI					
		PLANS, DESIGN AND CONSTRUCTION FOR INSTALLATION OF A METAL CULVERT WITH A WATER CONTROL GATE TO IMPROVE AND EXPAND WATERBIRD HABITAT CONDITIONS.					
		PLANS		2			
		DESIGN		4			
		CONSTRUCTION		40			
		TOTAL FUNDING	LNR	46	C		C
LNR404		**- WATER RESOURCES**					
8.		G06 KAU WELL DEVELOPMENT, HAWAII					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		PLANS, LAND ACQUISITION, DESIGN AND CONSTRUCTION OF PUMP, CONTROLS, RESERVOIR, CONNECTING PIPELINE AND OTHER APPURTENANT WORK					
		PLANS		20			
		LAND		1			
		DESIGN		80			
		CONSTRUCTION		750			
		TOTAL FUNDING	LNR	851C			C
9	G14	KEEI NO 4 WELL DEVELOPMENT, SOUTH KONA, HAWAII					
		PLANS, LAND ACQUISITION, DESIGN AND CONSTRUCTION OF PUMP, CONTROLS, RESERVOIR, CONNECTING PIPELINE AND OTHER APPURTENANT WORK					
		PLANS		10			
		LAND		1			
		DESIGN		50			
		CONSTRUCTION		750			
		TOTAL FUNDING	LNR	811C			C
10	G21	NORTH KONA WELL DEVELOPMENT, HAWAII					
		PLANS, LAND ACQUISITION, DESIGN AND CONSTRUCTION OF PUMP, CONTROLS, AND CONNECTING PIPELINE TOGETHER WITH OTHER INCIDENTAL AND RELATED WORK					
		PLANS		10			
		LAND		1			
		DESIGN		75			
		CONSTRUCTION		600		600	
		TOTAL FUNDING	LNR		A		600A
			LNR	686C			C
11	G22	KULA WATER SYSTEM IMPROVEMENTS, MAUI					
		PLANS, DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE UP-COUNTRY WATER SYSTEM, KULA. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT					
		PLANS		150			
		DESIGN		650			
		TOTAL FUNDING	LNR	800C			C
12	G91	INVESTIGATION AND DEVELOPMENT OF DESALTING PLANT TECHNOLOGY					
		ENGINEERING AND ECONOMIC STUDIES, CHEMICAL AND HYDRAULIC INVESTIGATION, DATA COMPILATION, AND ANALYSIS AND EVALUATION OF DESALTING PROCESSES					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		PLANS		100		100	
		TOTAL FUNDING	LNR	100C		100C	
13.		G94 WATER RESOURCES, DISTRICTS OF HAMAKUA AND WAIMEA, HAWAII					
		PLANS, DESIGN AND CONSTRUCTION OF PUMP, CONTROLS, CONNECTING PIPELINE AND OTHER APPURTENANT WORK.					
		PLANS		10			
		DESIGN		50			
		TOTAL FUNDING	LNR	60C			C
14.		G95 MAKALEHA VALLEY SPRING WATER SOURCE DEVELOPMENT, WAILUA/ KAPAA, KAUAI					
		PLANS, DESIGN AND CONSTRUCTION FOR THE MAKALEHA VALLEY SPRING WATER SOURCE DEVELOPMENT FOR THE WAILUA/KAPAA WATER SYSTEM, KAUAI.					
		PLANS		15			
		CONSTRUCTION		850			
		TOTAL FUNDING	LNR	865C			C
15.		J17 WAIAHOLE DITCH BULKHEADING PROJECT, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION OF IMPROVEMENTS TO CAPTURE, STORE, AND CONTROL THE WATER FROM THE DIKE COMPLEX THAT FEEDS THE WAIAHOLE DITCH SYSTEMS; TO INCLUDE OTHER INCIDENTAL AND APPURTENANT WORKS.					
		DESIGN		50			
		CONSTRUCTION		1,450			
		TOTAL FUNDING	LNR	1,500C			C
16.		J25 DRILLING WAIHEE (MAKAMAKAOLE) EXPLORATORY WELL, MAUI					
		PLANS, LAND ACQUISITION, AND DESIGN FOR THE DRILLING OF AN EXPLORATORY WELL AND PUMP TESTING, AND OTHER APPURTENANT AND INCIDENTAL WORKS.					
		LAND		1			
		TOTAL FUNDING	LNR	1C			C
17.		GO248D PUUKAPU DEEPWELL DEVELOPMENT, HAWAII					
		PLANS, LAND ACQUISITION, DESIGN AND CONSTRUCTION FOR THE INSTALLATION AND TESTING OF A PUMP, CONTROLS, CONNECTING PIPELINES; TO INCLUDE OTHER APPURTENANT AND INCIDENTAL WORKS.					
		PLANS		50			
		LAND		1			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN		100			
		CONSTRUCTION		1,001			
		TOTAL FUNDING	LNR	1,152C			C
18	G1408F	KAINALIU WATER DEVELOPMENT SHAFT, HAWAII					
		PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR THE DRILLING OF FOUR TESTHOLES AT ASCENDING ELEVATIONS, TO INCLUDE CASING AND PUMP TESTING OF THE TWO LOWER TESTHOLES					
		PLANS		10			
		LAND		1			
		DESIGN		50			
		CONSTRUCTION		1,000			
		TOTAL FUNDING	LNR	1,061C			C
19	G6851E	ANAHOLA EXPLORATORY WELL, KAUAI					
		PLANS, DESIGN, AND CONSTRUCTION FOR THE DRILLING OF AN EXPLORATORY WELL APPROXIMATELY 300-FEET DEEP, TO INCLUDE CASING, PUMP TESTING, AND OTHER INCIDENTAL AND APPURTENANT WORKS					
		CONSTRUCTION		250			
		TOTAL FUNDING	LNR	250C			C
20	G7517L	HUALALAI EXPLORATORY WELL, HAWAII					
		PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR THE DRILLING OF AN EXPLORATORY WELL APPROXIMATELY 1200-FEET DEEP, TO INCLUDE CASING, PUMP TESTING, AND OTHER INCIDENTAL AND APPURTENANT WORKS					
		PLANS		10			
		LAND		1			
		DESIGN		50			
		CONSTRUCTION		870			
		TOTAL FUNDING	LNR	931C			C
21	G7517M	WAHIKULI EXPLORATORY WELL, MAUI					
		PLANS LAND ACQUISITION, DESIGN AND CONSTRUCTION FOR THE DRILLING OF AN EXPLORATORY WELL, TO INCLUDE CASING INSTALLATION, PUMP TESTING, AND OTHER INCIDENTAL AND APPURTENANT WORKS					
		PLANS		10			
		LAND		1			
		DESIGN		50			
		CONSTRUCTION				550	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		TOTAL FUNDING	LNR		61C		550C
22.	G7808E	KEAHOLE RESERVOIR AND BOOSTER PUMP, HAWAII					
		PLANS, DESIGN, LAND ACQUISITION, AND CONSTRUCTION OF A TANK, BOOSTER PUMP, CONTROLS, AND OTHER INCIDENTAL AND APPURTENANT WORKS.					
		PLANS			10		
		LAND			5		
		DESIGN			50		
		CONSTRUCTION					622
		TOTAL FUNDING	LNR		65C		622C
23.	G7808G	KAHALUU WATER SHAFT IMPROVEMENTS, HAWAII					
		PLANS, DESIGN, AND CONSTRUCTION OF A CONCRETE BARRIER WALL AND THE RELOCATION OF PUMPS FOR THE KAHALUU WATER SHAFTS.					
		PLANS			10		
		DESIGN			40		
		TOTAL FUNDING	LNR		50C		C
24.	G7848D	PUUKAPU SHALLOW EXPLORATORY WELL, HAWAII					
		PLANS, DESIGN, AND CONSTRUCTION OF AN EXPLORATORY WELL APPROXIMATELY 600-FEET DEEP, TO CONSIST OF DRILLING, CASING INSTALLATION, PUMP INSTALLATION AND TESTING, CONTROLS, CONNECTING PIPELINE, AND OTHER INCIDENTAL AND APPURTENANT WORKS.					
		PLANS					10
		DESIGN					25
		CONSTRUCTION					300
		TOTAL FUNDING	LNR		C		335C
25.	G8010C	KAWAIHAPAI EXPLORATORY WELL, MOKULEIA, OAHU					
		PLANS, DESIGN, LAND ACQUISITION, AND CONSTRUCTION FOR THE DRILLING OF AN EXPLORATORY WELL, TO INCLUDE CASING INSTALLATION, PUMP TESTING, AND OTHER INCIDENTAL AND APPURTENANT WORKS.					
		PLANS					10
		LAND					1
		DESIGN					25
		CONSTRUCTION					300
		TOTAL FUNDING	LNR		C		336C
26.	G8010D	MOKULEIA EXPLORATORY WELL, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR THE DRILLING OF AN EXPLORATORY WELL, TO INCLUDE CASING INSTALLATION, PUMP TESTING, AND OTHER INCIDENTAL AND APPURTENANT WORKS					
		PLANS		10			
		LAND		1			
		DESIGN		25			
		CONSTRUCTION		300			
		TOTAL FUNDING	LNR	336C			C
27	G8901A	ALTERNATIVE WATER SOURCE DEVELOPMENT, WAIKELE STREAM IMPOUNDMENT OAHU					
		PLANS, DESIGN, AND CONSTRUCTION OF A DAM, TO INCLUDE OTHER INCIDENTAL AND APPURTENANT WORKS TO IMPOUND WAIKELE STREAM WATER FOR NON-POTABLE IRRIGATION USE					
		PLANS		50			
		DESIGN		50			
		TOTAL FUNDING	LNR	100C			C
28	G8901B	WASTEWATER EFFLUENT RECYCLING PROJECT, OAHU					
		PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION OF A DEMONSTRATION PROJECT TO OBTAIN DATA ON RECYCLING WASTEWATER EFFLUENT					
		PLANS		50			
		LAND					1
		TOTAL FUNDING	LNR	50C			1C
29	G8901C	ALTERNATIVE WATER SOURCE DEVELOPMENT CHECKDAMS, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION OF WATERSHED CHECKDAMS TO INDUCE INCREASED INFILTRATION INTO UNDERGROUND AQUIFERS					
		PLANS					50
		TOTAL FUNDING	LNR	C			50C
30	G8908D	ALTERNATIVE WATER SOURCE DEVELOPMENT KEAUHOU UNDERGRND GROUT CURTAIN, HAWAII					
		PLANS, DESIGN, AND CONSTRUCTION OF AN UNDERGROUND GROUT CURTAIN, TO CONSIST OF DRILLING SEVERAL HOLES, CEMENT GROUTING THE HOLES AND OTHER APPURTENANT WORK TO CREATE AN UNDERGROUND WATER DAM					
		PLANS					25
		DESIGN					100

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		TOTAL FUNDING	LNR		C		125C
31.	J3007A	HAWAII SATELLITE LINK DATA SYSTEM, STATEWIDE					
		PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR THE INSTALLATION OF A SYSTEM OF WATER RESOURCES DATA GATHERING INSTRUMENTS AND COMPUTER SIGNAL GENERATION UNITS; INCREMENTAL DEVELOPMENT OF INSTRUMENTATION TO MONITOR, TRANSMIT AND COMPILE DATA FROM FIELD GAUGES.					
		PLANS		30			
		LAND		1			
		DESIGN		50			
		TOTAL FUNDING	LNR	81C			C
32.	G2235L	UPCOUNTRY WATER SYSTEM, UPPER KULA, MAUI					
		CONSTRUCTION OF IMPROVEMENTS TO THE UPCOUNTRY WATER SYSTEM, UPPER KULA, MAUI.					
		CONSTRUCTION		3,000		3,000	
		TOTAL FUNDING	LNR	3,000A		3,000A	
33.	G2235N	UPCOUNTRY WATER SYSTEM, LOWER KULA, MAUI					
		CONSTRUCTION OF IMPROVEMENTS TO THE UPCOUNTRY WATER SYSTEM, LOWER KULA, MAUI.					
		CONSTRUCTION		1,000		2,000	
		TOTAL FUNDING	LNR	1,000A		2,000A	
33A.		KOHALA WATER SYSTEM, HAWAII					
		PLANS AND DESIGN OF WELLS, RESERVOIRS AND TRANSMISSION PIPELINE AND OTHER INCIDENTAL AND APPURTENANT WORK.					
		PLANS				1,000	
		DESIGN				1,200	
		TOTAL FUNDING	LNR		A	2,200A	
TRN903		**- COASTAL AREAS**					
34.	280	RESTORATION OF KUHIO BEACH, OAHU					
		DESIGN AND CONSTRUCTION OF BEACH IMPROVEMENT BY DREDGING AND THE HAULING OF NEW SAND.					
		DESIGN		30			
		CONSTRUCTION				250	
		TOTAL FUNDING	TRN	30C		250C	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
34A	180	ALA WAI CANAL, OAHU					
		DESIGN AND CONSTRUCTION TO REPAIR MAUKA/MAKAI RETAINING WALLS AND OTHER IMPROVEMENTS AT ALA WAI CANAL					
		DESIGN				80	
		CONSTRUCTION				350	
		TOTAL FUNDING	TRN		C	430	C
LNR906		**- LNR-NATURAL PHYSICAL ENVIRONMENT**					
35		D-54 MASTER PLAN FOR KAWAI NUI MARSH OAHU					
		DEVELOP AND PUBLISH MASTER PLAN FOR KAWAI NUI MARSH AND VICINITY TO INCLUDE PLANS FOR WILDLIFE HABITAT IMPROVEMENTS AND FACILITIES, PROTECTION OF HISTORIC AND CULTURAL SITES, PARK FACILITIES, FLOOD CONTROL, FLOOD BASIN, RECREATIONAL FACILITIES, ETHNOBOTANICAL GARDEN, WATER QUALITY CONTROL FISHING, BOATING, LANDSCAPING, ACCESS TRAILS, SIGNS, AND INTERPRETIVE FACILITIES						
		PLANS		250		250	
		TOTAL FUNDING	LNR	250	C	250	C
E. HEALTH							
HTH111		**- HANSEN'S DISEASE**					
1	111001	HALE MOHALU HOSP RENOVATIONS TO PATIENT ROOMS TO MEET FIRE CODE DEFICIENCIES					
		DESIGN AND CONSTRUCTION TO CORRECT HOSPITAL LICENSING DEFICIENCY OF CORRIDOR DOORS LEADING INTO PATIENT ROOMS BY INSTALLING AUTOMATIC DOOR CLOSURES LINKED TO A SMOKE DETECTION UNIT WITH ALARM SIGNAL TO THE NURSES' STATION						
		DESIGN		7			
		CONSTRUCTION		40			
		TOTAL FUNDING	AGS	47	C		C
2	111003	REPAIR AND IMPROVEMENTS TO KALAUPAPA BARGE WHARF AND HARBOR, MOLOKAI					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN AND CONSTRUCTION OF REPAIRS AND IMPROVEMENTS TO KALAUPAPA HARBOR, TO INCLUDE STRENGTHENING OF WHARF, REPAIR OF SEAWALL, DREDGING (ROCK REMOVAL) OF BARGE BASIN AND OTHER HARBOR IMPROVEMENTS.					
		DESIGN			39		
		CONSTRUCTION					394
		TOTAL FUNDING	AGS		39C		394C
3.	111005	FEASIBILITY STUDY FOR CONGREGATE LIVING AND CARE HOME SERVICES AT KALAUPAPA					
		PLAN FEASIBILITY STUDY TO ASSESS CURRENT AND PROJECTED BED UTILIZATION AND NURSING CARE NEEDS FOR KALAUPAPA AND RECOMMEND A PLAN FOR EXISTING AND NEW BUILDING STRUCTURES.					
		PLANS			50		
		TOTAL FUNDING	AGS		50C		C
4.	111006	REPAIR AND RENOVATE KALAUPAPA STORE WAREHOUSE, BLDG 272-A, MOLOKAI					
		DESIGN AND CONSTRUCTION TO REPAIR AND RENOVATE KALAUPAPA STORE WAREHOUSE, BLDG 272-A, QUONSET BUILDING ON STONE AND CONCRETE FOUNDATION; REPAIR ROOF, REPLACE 2 METAL SLIDING DOORS; INSTALL ADEQUATE VENTILATION SYSTEM; REPAIR LIGHTING SYSTEM; AND PAINT EXTERIOR.					
		DESIGN			12		
		CONSTRUCTION					89
		TOTAL FUNDING	AGS		12C		89C
5.	111007	KALAUPAPA ROAD REPAIR, MOLOKAI					
		DESIGN AND CONSTRUCTION FOR THE REPAVING OF EXISTING ROADWAYS AND REGRADING SECONDARY ROADWAYS AT KALAUPAPA.					
		DESIGN			88		
		CONSTRUCTION					2,112
		TOTAL FUNDING	AGS		88C		2,112C
6.	111008	CONSTRUCT TWO NEW WATER STORAGE TANKS, KALAUPAPA, MOLOKAI					
		DESIGN AND CONSTRUCTION TO REPLACE EXISTING WATER STORAGE TANKS.					
		DESIGN			66		
		CONSTRUCTION					850

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		TOTAL FUNDING	AGS		66C		850C
HTH211	**- HILO HOSPITAL**						
7		HILO HOSPITAL, PSYCHIATRIC INPATIENT CARE UNIT, HAWAII					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A PSYCHIATRIC INPATIENT CARE UNIT					
		DESIGN		54			
		CONSTRUCTION		1,141		899	
		EQUIPMENT				1	
		TOTAL FUNDING	AGS	1,195C		900C	
7A	211100	CORRECT STRUCTURAL DEFICIENCIES AT OLD HILO HOSPITAL, HAWAII					
		DESIGN AND CONSTRUCTION TO CORRECT STRUCTURAL DEFICIENCIES AT OLD HILO HOSPITAL					
		DESIGN				105	
		CONSTRUCTION				1,500	
		TOTAL FUNDING	AGS		B	1,605B	
7B		RENAL DIALYSIS EXPANSION, HAWAII					
		CONSTRUCTION AND EQUIPMENT FOR THE RENAL DIALYSIS EXPANSION AT HILO HOSPITAL					
		CONSTRUCTION				450	
		EQUIPMENT				125	
		TOTAL FUNDING	AGS		A	575A	
HTH212	**- HONOKAA HOSPITAL**						
8		NEW HOSPITAL FACILITY, HONOKAA, HAWAII					
		PLANS, DESIGN, AND CONSTRUCTION TO RENOVATE AND REPLACE THE PRESENT STRUCTURES, TO INCLUDE ACUTE CARE, LONG TERM CARE, AND EMERGENCY CARE FACILITIES					
		PLANS		500			
		DESIGN		500			
		CONSTRUCTION		6,500			
		TOTAL FUNDING	AGS	7,500A		A	
HTH215	**- KONA HOSPITAL**						
9	215001	KONA HOSPITAL, HAWAII					
		DESIGN AND CONSTRUCTION FOR RENOVATION AND EXPANSION OF EXISTING FACILITY					
		DESIGN		28			
		CONSTRUCTION		2,972			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		TOTAL FUNDING	AGS	3,000	A		A
HTH221	**- MAUI MEMORIAL HOSPITAL**						
9A.		FACILITY EXPANSION OF MAUI MEMORIAL HOSPITAL, MAUI					
		PLANS, DESIGN, AND CONSTRUCTION TO BUILD A 26 BED INPATIENT PSYCHIATRIC UNIT AND PROVIDE FOR APPROPRIATE OUTPATIENT AND ANCILLIARY SUPPORT SERVICES.					
		PLANS				60	
		DESIGN				249	
		CONSTRUCTION				3,000	
		TOTAL FUNDING	AGS		C	3,309	C
HTH223	**- KULA HOSPITAL**						
10.	223001	KULA HOSPITAL, ELDERLY HOUSING PROJECT, MAUI					
		PLANS AND DESIGN OF ELDERLY RESIDENTIAL UNITS CONSISTING OF ONE-BEDROOM AND TWO-BEDROOM UNITS INCLUDING EQUIPMENT AND OTHER REQUIRED AMENITIES APPROPRIATE TO THE REQUIREMENTS AND NEEDS OF 65+ ELDERLY POPULATION.					
		PLANS		125			
		DESIGN		450			
		TOTAL FUNDING	AGS	575	C		C
HTH231	**- KAUAI VETERANS MEMORIAL HOSPITAL**						
10A.		MEDICAL BUILDING, KAUAI VETERANS MEMORIAL HOSPITAL, KAUAI					
		PLANS AND DESIGN OF THE MEDICAL OFFICE BUILDING.					
		PLANS				50	
		DESIGN				300	
		TOTAL FUNDING	AGS		A	350	A
HTH232	**- SAMUEL MAHELONA MEMORIAL HOSPITAL**						
11.	232002	INSTALL NEW SEWER LINE SYSTEM, SAMUEL MAHELONA MEMORIAL HOSPITAL, KAUAI					
		DESIGN AND CONSTRUCTION FOR THE INSTALLATION OF THE ENTIRE SEWER LINE SYSTEM. SYSTEM UNDER MAIN HOSPITAL BUILDING IS IN AN ACUTE STATE OF DETERIORATION AND COMPLETE REPLACEMENT IS REQUIRED AS SOON AS POSSIBLE TO PREVENT A CATASTROPHE.					
		DESIGN		29			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		CONSTRUCTION		269			
		TOTAL FUNDING	AGS	298C			C
HTH242	**- LEAHI HOSPITAL**						
12	242001	ASBESTOS REMOVAL, LEAHI HOSPITAL, OAHU					
		DESIGN AND CONSTRUCTION FOR THE REMOVAL OF ASBESTOS IN VARIOUS AREAS OF THE HOSPITAL					
		DESIGN		81			
		CONSTRUCTION		1,032			
		TOTAL FUNDING	AGS	1,113C			C
HTH401	**- COMMUNITY BASED SERVICES FOR MH**						
13	401002	HOUSING INITIATIVE FOR MENTAL HEALTH CONSUMERS					
		LAND ACQUISITION FOR LIVING UNITS FOR CRISIS INTERVENTION, REHABILITATION/ RESPITE, SPECIALIZED LONGTERM CARE AND INDEPENDENT LIVING					
		LAND		1,500		3,000	
		TOTAL FUNDING	AGS	1 500C		3,000C	
13A		BOBBY BENSON CENTER, OAHU					
		DESIGN AND CONSTRUCTION FOR THE BOBBY BENSON CENTER TO BE EXPENDED BY THE CASTLE MEDICAL CENTER (GRANT-IN-AID)					
		DESIGN				1	
		CONSTRUCTION				499	
		TOTAL FUNDING	HTH		A	500A	
13B		RESIDENTIAL SUBSTANCE ABUSE FACILITY, OAHU					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT TO BUILD A NEW RESIDENTIAL SUBSTANCE ABUSE FACILITY FOR HINA MAUKA (GRANT-IN-AID)					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				1 997	
		EQUIPMENT				1	
		TOTAL FUNDING	HTH		A	2,000A	
HTH430	**- HAWAII STATE HOSPITAL**						
14	430001	HAWAII STATE HOSPITAL DEVELOPMENT, MODIFICATION AND RENOVATION, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN AND CONSTRUCTION FOR DEVELOPMENT OF STAFF HOSPITAL INCLUDING RENOVATIONS AND MODIFICATIONS. DESIGN TO INCLUDE RENOVATIONS TO CISU, GODDARD, AND ADOLESCENT BUILDINGS AFTER NEW FACILITIES ARE OCCUPIED. DESIGN AND CONSTRUCTION TO INCLUDE RELOCATION AND/OR CONSTRUCTION TO ACCOMMODATE THE COMMUNITY COLLEGE FACILITIES LOCATED ON THE STATE HOSPITAL PROPERTY.						
		DESIGN		52			
		CONSTRUCTION		6,648			
		TOTAL FUNDING	AGS	6,700C			C
HTH511		**- WAIMANO TRAINING SCHOOL AND HOSPITAL**					
15.		WAIMANO TRAINING SCHOOL AND HOSPITAL, MASTER PLAN, OAHU					
		PREPARE A MASTER PLAN REPORT TO ADDRESS THE NEEDS OF WAIMANO *TRAINING SCHOOL AND HOSPITAL* AS WELL AS OTHER DOH AND COMMUNITY PROGRAMS.					
		PLANS		500			
		TOTAL FUNDING	AGS	500C			C
HTH601		**- VECTOR CONTROL**					
15A.		STATE VECTOR CONTROL BASEYARD, KAUAI					
		DESIGN AND CONSTRUCTION TO COMPLETE THE VECTOR CONTROL FACILITY.					
		DESIGN				1	
		CONSTRUCTION				568	
		TOTAL FUNDING	AGS		A	569A	
HTH901		**- LABORATORY SERVICES**					
16.		901001 NEW LAB FACILITY-SITE SELECTION STUDY, EIS, PDR, DESIGN AND CONSTRUCTION, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR A NEW LAB COMPLEX AND VECTOR CONTROL FACILITY.					
		DESIGN		440			
		CONSTRUCTION				35,560	
		EQUIPMENT				100	
		TOTAL FUNDING	AGS	440A		35,660A	
HTH907		**- GENERAL ADMINISTRATION**					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
17	907001	LANAKILA HEALTH CENTER RENOVATION AND FIRE EXIT ADDITION, OAHU					
		DESIGN AND CONSTRUCTION TO INSTALL A SMOKE DETECTOR SYSTEM FOR THE SECOND FLOOR AND A MAKAI FIRE EXIT					
		DESIGN		15			
		CONSTRUCTION		103			
		TOTAL FUNDING	AGS	118C			C
18		NORTH HAWAII COMMUNITY HOSPITAL FACILITY, HAWAII					
		PLANS LAND ACQUISITION AND DESIGN FOR A NEW COMMUNITY HOSPITAL FACILITY IN NORTH HAWAII					
		PLANS		300			
		LAND		262			
		DESIGN		262			
		TOTAL FUNDING	AGS	824A			A
18A		PACKAGE SEWAGE TREATMENT PLANTS FOR COMMUNITY HOSPITALS, STATEWIDE					
		PLANS AND DESIGN TO BUILD PACKAGE SEWAGE TREATMENT PLANTS FOR HOSPITAL WASTEWATER, STATEWIDE					
		PLANS				1	
		DESIGN				299	
		TOTAL FUNDING	AGS		B	300	B
18B		WAIAKEA ENVIRONMENTAL HEALTH FACILITY, HAWAII					
		DESIGN AND CONSTRUCTION OF AN ENVIRONMENTAL HEALTH FACILITY IN THE WAIAKEA HEALTH CENTER COMPLEX					
		DESIGN				85	
		CONSTRUCTION				500	
		TOTAL FUNDING	AGS		A	585	A
18C		PUUNENE HEALTH CENTER, MAUI					
		DESIGN AND CONSTRUCTION OF A NEW FACILITY FOR THE DEPARTMENT OF HEALTH ON THE GROUNDS OF THE OLD PUUNENE SCHOOL					
		DESIGN				50	
		CONSTRUCTION				450	
		TOTAL FUNDING	AGS		A	500	A
18D		WILCOX HOSPITAL KAUAI					
		DESIGN, CONSTRUCTION, AND EQUIPMENT TO INSTALL A NEW FIRE SPRINKLER SYSTEM AT WILCOX HOSPITAL (GRANT-IN-AID)					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN				1	
		CONSTRUCTION				448	
		EQUIPMENT				1	
		TOTAL FUNDING	HTH		A	450	A
SUB601		- PRIVATE HOSPITALS & MEDICAL SERVICES					
19.		WAIANAE COAST COMPREHENSIVE HEALTH CENTER, OAHU					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR EXPANSION AND RENOVATION OF THE WAIANAE COMPREHENSIVE HEALTH CENTER. (GRANT-IN-AID)					
		PLANS		20			
		DESIGN		100			
		CONSTRUCTION		1,400			
		EQUIPMENT		192			
		TOTAL FUNDING	HTH	1,712	A		A
F. SOCIAL SERVICES							
DEF112		- SERVICES TO VETERANS					
1.	OVS642	HAWAII STATE VETERANS CEMETERY, OAHU					
		DESIGN, CONSTRUCTION, AND EQUIPMENT OF A STATE VETERANS CEMETERY ON OAHU, TO BE MATCHED WITH FEDERAL FUNDS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.					
		DESIGN				1,742	
		CONSTRUCTION		5,200		8,472	
		EQUIPMENT				30	
		TOTAL FUNDING	AGS	2,600	A		A
			AGS		C	5,122	C
			AGS	2,600	N	5,122	N
1A.	OVSM91	KOREAN WAR AND VIETNAM WAR VETERANS' MEMORIALS, OAHU					
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION AND EQUIPMENT FOR A KOREAN WAR VETERANS MEMORIAL AND A VIETNAM WAR VETERANS MEMORIAL ON OAHU.					
		PLANS				8	
		LAND				1	
		DESIGN				90	
		CONSTRUCTION				900	
		EQUIPMENT				1	
		TOTAL FUNDING	AGS		C	1,000	C
HMS220		- RENTAL HOUSING AUGMENTATION AND ASSISTANCE					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
2	HA901	UPGRADE ELECTRICAL SYSTEM, PALOLO HOMES I HA 203, OAHU					
		DESIGN AND CONSTRUCTION FOR UPGRADING OF THE INTERIOR AND EXTERIOR ELECTRICAL SYSTEMS					
		DESIGN		45			
		CONSTRUCTION		480			
		TOTAL FUNDING	HMS	525A			A
3	HA902	UPGRADE EXTERIOR ELEC DISTRIBUTION SYSTEM, PALOLO HOMES II, HA 203, OAHU					
		DESIGN AND CONSTRUCTION TO UPGRADE EXTERIOR ELECTRICAL DISTRIBUTION SYSTEM FOR TRANSFER OF OWNERSHIP TO HECO					
		DESIGN		68			
		CONSTRUCTION		808			
		TOTAL FUNDING	HMS	876A			A
4	HA904	UPGRADE INTERIOR ELEC SYSTEM, PUAHALA HOMES, HA 202, OAHU					
		DESIGN AND CONSTRUCTION TO UPGRADE EXISTING WIRES TO GROUNDING TYPE WIRES					
		DESIGN		60			
		CONSTRUCTION		542			
		TOTAL FUNDING	HMS	602A			A
5	HA906	VEHICLE COMPOUND IMPROVEMENTS, PALOLO HOMES II, HA 203, OAHU					
		DESIGN AND CONSTRUCT VEHICLE CARPORT, TOILET AND SHOWER					
		DESIGN		12			
		CONSTRUCTION		55			
		TOTAL FUNDING	HMS	67A			A
6	HA907	CONSTRUCT TRASH STATIONS, PALOLO HOMES I AND II, HA 203, OAHU					
		DESIGN AND CONSTRUCT TRASH ENCLOSURES, CURBS AND CONCRETE PADS FOR TRASH DUMPSTERS					
		DESIGN		14			
		CONSTRUCTION		122			
		TOTAL FUNDING	HMS	136A			A
7	HA9010	ALTERNATE POWER FOR SEWER PUMP STATION, WAHIAWA TERRACE, HA 1-15, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		DESIGN AND CONSTRUCTION FOR INSTALLATION OF GENERATOR AND APPURTENANCES FOR EMERGENCY OPERATION OF SEWER PUMP STATION.					
		DESIGN			3		
		CONSTRUCTION			17		
		TOTAL FUNDING	HMS		20A		A
8.	HA9011	SMOKE DETECTORS, WAHIAWA TERRACE, HA 1-15, OAHU					
		DESIGN AND CONSTRUCTION FOR INSTALLATION OF SMOKE DETECTORS AND OTHER RELATED ITEMS NECESSARY TO MEET CODE REQUIREMENTS.					
		DESIGN			8		
		CONSTRUCTION			36		
		TOTAL FUNDING	HMS		44A		A
9.	HA9012	SMOKE DETECTORS, WAIMANALO, HA 1-25, OAHU					
		DESIGN AND CONSTRUCTION FOR INSTALLATION OF SMOKE DETECTORS AND OTHER RELATED ITEMS NECESSARY TO MEET CODE REQUIREMENTS.					
		DESIGN			3		
		CONSTRUCTION			20		
		TOTAL FUNDING	HMS		23A		A
10.	HA9013	SMOKE DETECTORS, PUUWAI MOMI, HA 1-26, OAHU					
		DESIGN AND CONSTRUCTION FOR INSTALLATION OF SMOKE DETECTORS AND OTHER RELATED ITEMS NECESSARY TO MEET CODE REQUIREMENTS.					
		DESIGN			21		
		CONSTRUCTION			153		
		TOTAL FUNDING	HMS		174A		A
11.	HA9014	SMOKE DETECTORS, KOOLAU VILLAGE, HA 1-30, OAHU					
		DESIGN AND CONSTRUCTION FOR INSTALLATION OF SMOKE DETECTORS AND OTHER RELATED ITEMS NECESSARY TO MEET CODE REQUIREMENTS.					
		DESIGN			7		
		CONSTRUCTION			51		
		TOTAL FUNDING	HMS		58A		A
12.	HA9015	SMOKE DETECTORS, MAILE I, HA 1-33, OAHU					
		DESIGN AND CONSTRUCTION FOR INSTALLATION OF SMOKE DETECTORS AND OTHER RELATED ITEMS NECESSARY TO MEET CODE REQUIREMENTS.					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO	CAPITAL NO	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN		3			
		CONSTRUCTION		12			
		TOTAL FUNDING	HMS	15A			A
13	HA9016	SMOKE DETECTORS MAILE II HA 1 42 OAHU					
		DESIGN AND CONSTRUCTION FOR INSTALLATION OF SMOKE DETECTORS AND OTHER RELATED ITEMS NECESSARY TO MEET CODE REQUIREMENTS					
		DESIGN		2			
		CONSTRUCTION		13			
		TOTAL FUNDING	HMS	15A			A
14	HA9017	SMOKE DETECTORS NANAKULI HA 1 35 OAHU					
		DESIGN AND CONSTRUCTION FOR INSTALLATION OF SMOKE DETECTORS AND OTHER RELATED ITEMS NECESSARY TO MEET CODE REQUIREMENTS					
		DESIGN		3			
		CONSTRUCTION		17			
		TOTAL FUNDING	HMS	20A			A
15	HA9018	SMOKE DETECTORS WAIMAHA/ SUNFLOWER HA 1 57 OAHU					
		DESIGN AND CONSTRUCTION FOR INSTALLATION OF SMOKE DETECTORS AND OTHER RELATED ITEMS NECESSARY TO MEET CODE REQUIREMENTS					
		DESIGN		8			
		CONSTRUCTION		62			
		TOTAL FUNDING	HMS	70A			A
16	HA9019	SMOKE DETECTORS SPENCER HOUSE HA 1 73 OAHU					
		DESIGN AND CONSTRUCTION FOR INSTALLATION OF SMOKE DETECTORS AND OTHER RELATED ITEMS NECESSARY TO MEET CODE REQUIREMENTS					
		DESIGN		3			
		CONSTRUCTION		13			
		TOTAL FUNDING	HMS	16A			A
17	HA9022	MODERNIZE ELEVATOR SYSTEMS KALANIHUIA HA 1 24 OAHU					
		DESIGN AND CONSTRUCTION TO CHANGE ELEVATOR FLOOR SYSTEM FROM MECHANICAL TO ELECTRONIC AND OTHER SYSTEMS WILL BE IMPROVED AS NECESSARY					
		DESIGN		15			
		CONSTRUCTION		120			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		TOTAL FUNDING	HMS	135A			A
18	HA9023	INSTALL SECURITY LIGHTS, KAAHUMANU HOMES, HA 1-09, OAHU					
		DESIGN AND CONSTRUCTION TO PROVIDE SECURITY AS REQUIRED					
		DESIGN		13			
		CONSTRUCTION		108			
		TOTAL FUNDING	HMS	121A			A
19	HA9024	INSTALL SECURITY LIGHTS AT KOOLAU VILLAGE, HA 1-30, OAHU					
		DESIGN AND CONSTRUCTION TO PROVIDE SECURITY LIGHTS AS REQUIRED					
		DESIGN		15			
		CONSTRUCTION		177			
		TOTAL FUNDING	HMS	192A			A
20	HA9025	INSTALL SECURITY LIGHTS AT PIILANI, HA 1-44, MAUI					
		DESIGN AND CONSTRUCTION TO PROVIDE SECURITY LIGHTS AS REQUIRED					
		DESIGN		12			
		CONSTRUCTION		57			
		TOTAL FUNDING	HMS	69A			A
21	HA9026	CESSPOOL IMPROVEMENTS, KAIMALINO, HA 1-32, HAWAII					
		DESIGN AND CONSTRUCTION TO CONSTRUCT RETAINING WALL FOR BACKFILLING AND LANDSCAPING AROUND CESSPOOLS					
		DESIGN		13			
		CONSTRUCTION		82			
		TOTAL FUNDING	HMS	95A			A
22	HA9031	WINDOW MODIFICATIONS NANI O PUNA, HA 904, HAWAII					
		DESIGN AND CONSTRUCTION TO REDESIGN WINDOWS FOR WEATHER PROTECTION					
		DESIGN		17			
		CONSTRUCTION		208			
		TOTAL FUNDING	HMS	225A			A
HMS807	**- TEACHER HOUSING**						
23	HA8825	LANAI TEACHER HOUSING, LANAI					
		CONSTRUCTION AND EQUIPMENT FOR THE REPLACEMENT OF NINE COTTAGES					
		CONSTRUCTION		469			
		EQUIPMENT		1			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		TOTAL FUNDING	HMS	470A			A
24	HA8829	KAU/PAHALA TEACHER HOUSING, HAWAII					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE RENOVATION AND CONSTRUCTION OF ONE 2-BEDROOM 2-BATH DUPLEX AND THREE 2-BEDROOM 1-BATH DUPLEXES AT KAU/PAHALA TEACHER COTTAGE SITE					
		DESIGN		10			
		CONSTRUCTION		189			
		EQUIPMENT		1			
		TOTAL FUNDING	HMS	200A			A
25	HA8827	WAIMEA AND KOHALA TEACHER HOUSING, HAWAII					
		CONSTRUCTION AND EQUIPMENT FOR 3-BEDROOM, 2-BATH COTTAGES AND THREE 2-BEDROOM, 2-BATH DUPLEXES AT KOHALA AND ONE 2-BEDROOM 2-BATH DUPLEX AT WAIMEA					
		CONSTRUCTION		585			
		EQUIPMENT		1			
		TOTAL FUNDING	HMS	586A			A
HMS229		**- HOUSING ASSISTANCE ADMINISTRATION**					
26	HA9032	LOW INCOME HOUSING DEVELOPMENT STATEWIDE					
		PLANS, LAND ACQUISITION, DESIGN AND CONSTRUCTION FOR THE DEVELOPMENT OF APPROXIMATELY 125 LOW-INCOME HOUSING UNITS (1, 2 AND 3 BEDROOMS) PER YEAR					
		PLANS		281			
		LAND		750			
		DESIGN		281			
		CONSTRUCTION				8,063	
		TOTAL FUNDING	HMS	1,312A		8,063A	
27	HA9102	SHELTER DEVELOPMENT, STATEWIDE					
		PLANS, LAND ACQUISITION, DESIGN AND CONSTRUCTION OF SHELTER FOR THE ABUSED UP TO 500 MINIMUM LIVING UNITS AND SUPERVISED HOMELESS SHELTERS					
		PLANS		75		1	
		LAND		2,423		1,533	
		DESIGN		1		73	
		CONSTRUCTION		1		2,125	
		TOTAL FUNDING	HMS	2,500A			A
			HMS	C		3,732C	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
27A.	HA9105	LOW INCOME HOUSING STATEWIDE DEVELOPMENT					
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR APPROXIMATELY 180 LOW INCOME HOUSING UNITS.					
		PLANS				161	
		LAND				2,860	
		DESIGN				99	
		CONSTRUCTION				1,164	
		EQUIPMENT				1	
		TOTAL FUNDING	HMS		C	4,285	C
27B.		HOMELESS MEN EMERGENCY SHELTER, OAHU					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE HOMELESS MEN EMERGENCY SHELTER TO BE EXPENDED BY THE INSTITUTE FOR HUMAN SERVICES. (GRANT-IN-AID)					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				1,086	
		EQUIPMENT				1	
		TOTAL FUNDING	HMS		A	1,089	A
27C.		HOMELESS SHELTER, MAUI					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A NEW HOMELESS SHELTER ON MAUI TO BE EXPENDED BY MAUI CATHOLIC CHARITIES. (GRANT-IN-AID)					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				1,177	
		EQUIPMENT				1	
		TOTAL FUNDING	HMS		A	1,180	A
BUF225		**- PRIVATE HOUSING DEVELOPMENT & OWNERSHIP**					
28.	P0051	ACQUISITION BY EMINENT DOMAIN OR THREAT OF EMINENT DOMAIN PORTIONS OF QLT LANDS					
		LAND ACQUISITION BY EMINENT DOMAIN OR THREAT OF EMINENT DOMAIN PORTIONS OF QUEEN LILIUOKALANI TRUST LANDS SITUATED AT KEAHUOLU NORTH KONA, HAWAII, TMK 3-7-4-08 PORTION OF PARCEL 12 FOR THE PUBLIC PURPOSES OF PROVIDING WEST HAWAII WITH A REGIONAL SPORTS-RECREATIONAL COMPLEX, CAMPUS SITE FOR HIGHER EDUCATION, AND SITES FOR INFRASTRUCTURE.					
		LAND		8,500			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		TOTAL FUNDING	BUF	8,500	A		A
BUF225	**- PRIVATE HOUSING DEVELOPMENT & OWNERSHIP**						
29	P00139	ELDERLY HOUSING FACILITIES, WAHIAWA, OAHU					
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION AND EQUIPMENT FOR ELDERLY HOUSING FACILITIES IN WAHIAWA, OAHU CONSISTS OF TWO EACH SEVEN STORY MIDRISE BUILDINGS PROVIDING APPROXIMATELY 128 STUDIO AND ONE BEDROOM UNITS, RECREATION ROOM, MEETING ROOM, LAUNDROMAT AND OTHER ANCILLIARY FACILITIES						
		PLANS				20	
		LAND				216	
		DESIGN		200			
		CONSTRUCTION		2,670		4,100	
		EQUIPMENT		277			
		TOTAL FUNDING	BUF	3,147	C	4,336	C
BUF225	**- PRIVATE HOUSING DEVELOPMENT & OWNERSHIP**						
30	P00140	WAIAHOLE VALLEY AGRICULTURAL PARK & RESIDENTIAL LOTS SUBDIVISION, OAHU					
		CONSTRUCTION OF IMPROVEMENTS TO COMPLETE THE WAIAHOLE AGRICULTURAL PARK AND RESIDENTIAL LOTS SUBDIVISION					
		CONSTRUCTION		4,000			
		TOTAL FUNDING	BUF	4,000	C		C
BUF225	**- PRIVATE HOUSING DEVELOPMENT & OWNERSHIP**						
31	P00141	ELDERLY HOUSING FACILITIES, CROWN PROPERTY, WAIPAHU, OAHU					
		LAND ACQUISITION, CONSTRUCTION AND EQUIPMENT FOR ELDERLY HOUSING FACILITIES IN WAIPAHU, OAHU					
		LAND		1 280			
		CONSTRUCTION		8 938			
		EQUIPMENT		150			
		TOTAL FUNDING	BUF	10,368	C		C
BUF225	**- PRIVATE HOUSING DEVELOPMENT & OWNERSHIP**						
32	P00142	RENTAL HOUSING PROJECTS, FINANCING AND REFINANCING, STATEWIDE					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION AND EQUIPMENT FOR FEASIBILITY STUDIES AND ALL COSTS RELATED TO RENTAL HOUSING PROJECT.					
		PLANS		100		100	
		LAND		100		100	
		DESIGN		100		100	
		CONSTRUCTION		99,600		99,600	
		EQUIPMENT		100		100	
		TOTAL FUNDING	BUF	100,000E		100,000E	
32A.		HOMES REVOLVING FUND, STATEWIDE					
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION AND EQUIPMENT FOR FEASIBILITY STUDIES AND ALL COSTS RELATED TO THE HOMES REVOLVING FUND.					
		PLANS				100	
		LAND				100	
		DESIGN				100	
		CONSTRUCTION				99,600	
		EQUIPMENT				100	
		TOTAL FUNDING	BUF		C	100,000C	
BUF225		**- PRIVATE HOUSING DEVELOPMENT & OWNERSHIP**					
33.	910001	SELF-HELP HOME CONSTRUCTION LOANS, MILOLII, HAWAII					
		FUNDS FOR LOW-INTEREST LOANS FOR SELF-HELP HOME CONSTRUCTION FOR HOLDERS OF MILOLII STATE LEASES AND OTHER RELATED COSTS.					
		PLANS		700			
		TOTAL FUNDING	BUF	700A			A
BUF225		**- PRIVATE HOUSING DEVELOPMENT & OWNERSHIP**					
34.	P10002	HALE MOHALU ELDERLY HOUSING PROJECT, OAHU					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR INFRASTRUCTURE IMPROVEMENTS INCLUDING STREAM RECONSTRUCTION, A STREAM BRIDGE, ACCESS ROAD REPAVEMENT, SEWER AND WATER HOOKUP FOR THE HALE MOHALU ELDERLY HOUSING PROJECT.					
		PLANS		50			
		DESIGN		100			
		CONSTRUCTION		1,106			
		EQUIPMENT		50			
		TOTAL FUNDING	BUF	1,306A			A
34A.		DRAINAGE IMPROVEMENTS - HANAPEPE, KAUAI					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		PLANS, DESIGN, AND CONSTRUCTION FOR DRAINAGE IMPROVEMENTS TO ACCOMMODATE 100 YEAR STORM RUNOFF FOR THE HANAPEPE AREA/CLIFFSIDE AT HANAPEPE PROJECT, AT THE INTERSECTION OF KAUMUALII HIGHWAY AND HANAPEPE ROAD, INCLUDING AN EARTH CHANNEL AND CULVERT TO HANAPEPE BAY					
		PLANS				40	
		DESIGN				160	
		CONSTRUCTION				1,300	
		TOTAL FUNDING	BUF		C	1,500	C
34B		WAIAHOLE VALLEY WATER SYSTEM, OAHU					
		DESIGN AND CONSTRUCTION FOR THE IMPROVEMENTS TO THE EXISTING WAIAHOLE VALLEY WATER SYSTEM					
		DESIGN				1	
		CONSTRUCTION				149	
		TOTAL FUNDING	BUF		A	150	A
HHL602		**- PLANNG, DEV, MGT & GEN SPPT FOR HAWN HMSTDS**					
35		H-66 NANAKULI RESIDENCE LOTS GRAVITY SEWER SYSTEM, OAHU					
		CONSTRUCT A GRAVITY SEWER SYSTEM FOR SEWAGE DISPOSAL FOR EXISTING AND FUTURE HOMESTEADING OF NANAKULI RESIDENCE LOTS, OAHU FUNDS MAY USED TO MATCH FEDERAL FUNDS					
		CONSTRUCTION		1,300			
		TOTAL FUNDING	HHL	1,300	A		A
36		H-30-B MOLOKAI WATER SYSTEM IMPROVEMENTS (PHASE 3B), MOLOKAI					
		CONSTRUCTION TO UPGRADE THE EXISTING WATER SYSTEM ON MOLOKAI TO COUNTRY OF MAUI STANDARDS AND TO THE STANDARDS OF THE FEDERAL AND STATE SAFE DRINKING WATER REGULATIONS AND TO IMPROVE THE QUANTITY AND QUALITY OF THE WATER AND THE OVERALL EFFICIENCY OF THE WATER SYSTEM					
		CONSTRUCTION		2,400			
		TOTAL FUNDING	HHL	2,400	A		A
37		H-30-C MOLOKAI WATER SYSTEM IMPROVEMENTS (PHASE 3C), MOLOKAI					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		CONSTRUCTION TO UPGRADE AND EXPAND THE EXISTING WATER SYSTEM ON MOLOKAI TO COUNTY OF MAUI STANDARDS AND TO THE STANDARDS OF THE FEDERAL AND STATE SAFE DRINKING WATER REGULATIONS.					
		CONSTRUCTION				1,600	
		TOTAL FUNDING	HHL		E	1,600E	
38.	LMD001	HAWAIIAN HOME LANDS DEVELOPMENT, STATEWIDE					
		PLANS, DESIGN AND CONSTRUCTION FOR THE DEVELOPMENT OF HAWAIIAN HOME LANDS FOR RESIDENTIAL, AGRICULTURAL, AND OTHER PURPOSES PERMITTED BY THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED. TO INCLUDE: PLANS, DESIGN AND THE CONSTRUCTION OF ON-SITE (EX. GRADING, ROADS AND UTILITIES) AND OFF-SITE IMPROVEMENTS AND TO PROVIDE FOR LOAN CAPITALIZATION. FUNDS NOT NEEDED IN A COST ELEMENT MAY BE USED IN ANOTHER.					
		PLANS		275		50	
		DESIGN		600		1,750	
		CONSTRUCTION		14,800		20,350	
		TOTAL FUNDING	HHL	2,875A			A
			HHL	12,800E		22,150E	
39.	LMD004	HAWAIIAN HOME LANDS ECONOMIC DEVELOPMENT, STATEWIDE					
		PLANS, DESIGN AND CONSTRUCTION FOR DEVELOPMENT OF HHL FOR RESIDENTIAL, AGRICULTURAL, COMMERCIAL, INDUSTRIAL, RESORT AND OTHER PURPOSES PERMITTED BY THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED, INCLUDING PLANS, DESIGN AND THE CONSTRUCTION OF ON-SITE AND OFF-SITE IMPROVEMENTS AND TO PROVIDE FOR LOAN CAPITALIZATION. FUNDS NOT NEEDED IN A COST ELEMENT MAY BE USED IN ANOTHER.					
		PLANS		60			
		DESIGN		400		2,000	
		CONSTRUCTION		3,008		750	
		TOTAL FUNDING	HHL	3,468E		2,750E	
40.	LMD006	WAIANAE VALLEY INTERCEPTOR SEWER, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		CONSTRUCT A GRAVITY SEWER SYSTEM FOR SEWER DISPOSAL FOR EXISTING AND FUTURE HOMESTEADERS OF WAIANAE RESIDENCE LOTS WAIANAE VALLEY, OAHU FUNDS MAY BE USED TO MATCH FEDERAL FUNDS					
		CONSTRUCTION		1,000			
		TOTAL FUNDING	HHL	1,000F			E
41		LUALUALEI-PAHEEHEE RIDGE IMPROVEMENTS OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS TO THE LUALUALEI-PAHEEHEE RIDGE AGRICULTURE SUBDIVISION INCLUDING ON-SITE AND OFF-SITE IMPROVEMENTS					
		PLANS		25			
		DESIGN		50			
		CONSTRUCTION		225			
		TOTAL FUNDING	HHL	300A			A
41A		PAUKUKALO COMMUNITY CENTER MAUI					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR THE EXPANSION AND IMPROVEMENTS TO THE COMMUNITY CENTER AT PAUKUKALO, MAUI					
		DESIGN				1	
		CONSTRUCTION				298	
		EQUIPMENT				1	
		TOTAL FUNDING	HHL		A	300A	
GOV602		**- ELDERLY**					
42		MULTI-PURPOSE SENIOR CENTERS OAHU					
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION AND EQUIPMENT TO CONSTRUCT TWO NEW MULTI-PURPOSE SENIOR CENTERS					
		PLANS		1			
		LAND		750			
		DESIGN		200			
		CONSTRUCTION		898			
		EQUIPMENT		1			
		TOTAL FUNDING	AGS	1,850A			A
G. FORMAL EDUCATION							
EDN105		**- REGULAR INSTRUCTION PROGRAM**					
1	001	LUMP SUM CIP - RELOCATION OR CONSTRUCTION OF PORTABLE CLASSROOMS					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR RELOCATION OR CONSTRUCTION OF PORTABLES EACH SCHOOL YEAR TO MEET ENROLLMENT SHIFTS AMONG SCHOOLS, PROGRAM DEMANDS, UNFORSEEN EMERGENCIES, AND TO PROVIDE TEMPORARY FACILITIES WHILE NEW SCHOOLS ARE BEING PLANNED AND/OR UNDER CONSTRUCTION. THESE FUNDS ARE ALSO FOR SECONDARY SCHOOLS.					
		DESIGN		280		188	
		CONSTRUCTION		4,000		3,124	
		EQUIPMENT		160		160	
		TOTAL FUNDING	AGS	4,440	B	3,472	B
2.		002 LUMP SUM CIP - MINOR RENOVATIONS AND IMPROVEMENTS TO BUILDINGS & SCHOOL SITES					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR MINOR ADDITIONS, RENOVATIONS AND IMPROVEMENTS TO BUILDINGS AND SCHOOL SITES, INCLUDING ELEMENTARY SPECIAL CLASSROOMS (MUSIC, ART AND SCIENCE).					
		DESIGN		100		100	
		CONSTRUCTION		1,000		1,000	
		EQUIPMENT		20		20	
		TOTAL FUNDING	AGS	1,120	B	1,120	B
3.		003 LUMP SUM CIP - MASTER PLANS, SITE STUDIES AND MINOR LAND ACQUISITIONS					
		PLANS AND LAND ACQUISITION FOR MASTER PLANNING, SITE SELECTION, PRE-LAND ACQUISITION STUDIES, ACQUISITION OF SMALL PARCELS, FEASIBILITY STUDIES TO MEET FUTURE AND UNFORSEEN NEEDS AND CIP ASSISTANCE FROM DAGS IN PROVIDING COST ESTIMATES FOR BUDGETING AND EXPENDITURE PLANNING.					
		PLANS		495		500	
		LAND		5			
		TOTAL FUNDING	AGS	500	B	500	B
4.		010 LUMP SUM CIP - ASBESTOS REMOVAL IN SCHOOL BUILDINGS					
		DESIGN AND CONSTRUCTION FOR CORRECTION, IMPROVEMENT AND RENOVATION TO ALL EXISTING SCHOOL BUILDINGS WITH IDENTIFIED HEALTH AND SAFETY HAZARDS.					
		DESIGN		150		150	
		CONSTRUCTION		1,000		1,000	
		TOTAL FUNDING	AGS	1,150	B	1,150	B

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
5	008	LUMP SUM CIP - FIRE PROTECTION SYSTEMS AND FIRE ALARM SYSTEMS					
		DESIGN AND CONSTRUCTION FOR INCREMENTAL PROGRAM TO MEET COUNTY FIRE PROTECTION STANDARDS					
		DESIGN		100		100	
		CONSTRUCTION		500		500	
		TOTAL FUNDING	AGS	600B		600B	
6	009	LUMP SUM CIP - RENOVATIONS FOR NOISE ABATEMENT					
		DESIGN AND CONSTRUCTION FOR CORRECTIVE MEASURES TO SCHOOLS AFFECTED BY EXCESSIVE EXTERIOR NOISE AND VENTILATION PROBLEMS					
		DESIGN		100		100	
		CONSTRUCTION		405		500	
		TOTAL FUNDING	AGS	505B		600B	
7	020	LUMP SUM CIP - COUNTY BUILDING PERMIT REQUIREMENTS					
		DESIGN AND CONSTRUCTION FOR ON-SITE AND OFF-SITE IMPROVEMENTS, AS REQUIRED BY THE COUNTIES					
		DESIGN		100		100	
		CONSTRUCTION		1,000		1,000	
		TOTAL FUNDING	AGS	1,100B		1,100B	
8	140007	MCKINLEY HIGH, OAHU					
		DESIGN AND CONSTRUCTION FOR RENOVATION OF BUILDING A					
		DESIGN		225			
		CONSTRUCTION				1,500	
		TOTAL FUNDING	AGS	225B		1,500B	
9	119001	KALAKAUA INTERMEDIATE, OAHU					
		DESIGN AND CONSTRUCTION FOR STRUCTURAL CORRECTIONS TO BUILDING J					
		DESIGN		20			
		CONSTRUCTION		210			
		TOTAL FUNDING	AGS	230B			B
10	203003	ALIAMANU ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION FOR PARKING AND BUS LOADING ZONE					
		DESIGN		72			
		CONSTRUCTION				494	
		TOTAL FUNDING	AGS	72B		494B	
11	287002	HOAEAE ELEMENTARY, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, PARKING, FENCE, AND GROUND AND SITE IMPROVEMENTS.					
		CONSTRUCTION		1,768			
		EQUIPMENT		32			
		TOTAL FUNDING	AGS	1,800	B		B
12.	625007	SAMUEL KALAMA INTERMEDIATE, MAUI					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES.					
		DESIGN		125			
		CONSTRUCTION				2,499	
		EQUIPMENT				40	
		TOTAL FUNDING	AGS	125	B	2,539	B
13.	715003	HANAMAULU/WAILUA ELEMENTARY, KAUAI					
		CONSTRUCTION AND EQUIPMENT FOR FIRST INCREMENT: CLASSROOMS, PLAYFIELD, PARKING, RENOVATION OF CLASSROOMS FOR SUPPORT NEEDS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES.					
		CONSTRUCTION		6,367			
		EQUIPMENT		90			
		TOTAL FUNDING	AGS	6,457	B		B
14.	704004	KAPAA HIGH AND INTERMEDIATE, KAUAI					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS AND GROUND AND SITE IMPROVEMENTS.					
		DESIGN		113			
		CONSTRUCTION				2,550	
		EQUIPMENT				35	
		TOTAL FUNDING	AGS	113	B	2,585	B
15.	626004	MAUI WAENA INTERMEDIATE, MAUI					
		CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES.					
		CONSTRUCTION		5,900			
		EQUIPMENT		49			
		TOTAL FUNDING	AGS	5,949	B		B
16.	525006	WAIAKEA HIGH, HAWAII					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES.					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN		100			
		CONSTRUCTION				1,700	
		EQUIPMENT				30	
		TOTAL FUNDING	AGS	100	B	1,730	B
17	608013	KIHEI ELEMENTARY AND INTERMEDIATE, MAUI					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES					
		DESIGN		150			
		CONSTRUCTION				2,826	
		EQUIPMENT				35	
		TOTAL FUNDING	AGS	150	B	2,861	B
18	513004	KEAAU ELEMENTARY AND INTERMEDIATE, HAWAII					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, COVERED WALKWAYS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES					
		DESIGN		125			
		CONSTRUCTION				1,926	
		EQUIPMENT				35	
		TOTAL FUNDING	AGS	125	B	1,961	B
19	533002	KEALAKEHE INTERMEDIATE, HAWAII					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES					
		DESIGN		115			
		CONSTRUCTION				2,060	
		EQUIPMENT				30	
		TOTAL FUNDING	AGS	115	B	2,090	B
20	514006	KEALAKEHE ELEMENTARY, HAWAII					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES					
		DESIGN		110			
		CONSTRUCTION				2,040	
		EQUIPMENT				32	
		TOTAL FUNDING	AGS	110	B	2,072	B
21	303002	FWA ELEMENTARY, OAHU					
		CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES					
		CONSTRUCTION		1,686			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		EQUIPMENT		32			
		TOTAL FUNDING	AGS	1,718	B		B
22.	715004	HANAMAULU/WAILUA ELEMENTARY, KAUAI					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES.					
		DESIGN		142			
		CONSTRUCTION				2,497	
		EQUIPMENT				32	
		TOTAL FUNDING	AGS	142	B	2,529	B
22A.	715006	HANAMAULU/WAILUA ELEMENTARY, KAUAI					
		DESIGN CLASSROOMS, GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.					
		DESIGN				150	
		TOTAL FUNDING	AGS		B	150	B
23.	435002	KAHUKU ELEMENTARY, OAHU					
		CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS AND GROUND AND SITE IMPROVEMENTS.					
		CONSTRUCTION		2,500			
		EQUIPMENT		62			
		TOTAL FUNDING	AGS	2,562	B		B
24.	627002	KAMEHAMEHA III ELEMENTARY ANNEX, MAUI					
		CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES.					
		CONSTRUCTION		2,527			
		EQUIPMENT		40			
		TOTAL FUNDING	AGS	2,567	B		B
25.	627004	KAMEHAMEHA III ELEMENTARY ANNEX, MAUI					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES.					
		DESIGN		100			
		CONSTRUCTION				1,600	
		EQUIPMENT				32	
		TOTAL FUNDING	AGS	100	B	1,632	B
26.	517003	KONAWAENA ELEMENTARY, HAWAII					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR FIRST INCREMENT CLASSROOMS, PLAYFIELD, PARKING, PORTABLE RELOCATION, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES					
		DESIGN		100			
		CONSTRUCTION		5,913			
		EQUIPMENT		80			
		TOTAL FUNDING	AGS	6,093B			B
27	534003	NEW PAHOA ELEMENTARY, HAWAII					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR FIRST INCREMENT CLASSROOMS, PLAYFIELD, PARKING, PORTABLE RELOCATION, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES					
		DESIGN		100			
		CONSTRUCTION		5,913			
		EQUIPMENT		80			
		TOTAL FUNDING	AGS	6,093B			B
28	342004	WAIANAE III ELEMENTARY, OAHU					
		CONSTRUCTION AND EQUIPMENT FOR SECOND INCREMENT CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES					
		CONSTRUCTION		1,791			
		EQUIPMENT		32			
		TOTAL FUNDING	AGS	1,823B			B
29	517004	KONAWAENA ELEMENTARY, HAWAII					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR SECOND INCREMENT CLASSROOMS, COVERED WALKWAY, ACCESS ROAD, PARKING, EQUIPMENT AND APPURTENANCES					
		DESIGN		180			
		CONSTRUCTION				3,000	
		EQUIPMENT				40	
		TOTAL FUNDING	AGS	180B		3,040B	
30	534004	NEW PAHOA ELEMENTARY, HAWAII					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR SECOND INCREMENT CLASSROOMS, PARKING, COVERED WALKWAYS, EQUIPMENT AND APPURTENANCES					
		DESIGN		140			
		CONSTRUCTION				2,619	
		EQUIPMENT				32	
		TOTAL FUNDING	AGS	140B		2,651B	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
31.	207001	HELEMANO ELEMENTARY, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES.					
		DESIGN		95			
		CONSTRUCTION				1,513	
		EQUIPMENT				24	
		TOTAL FUNDING	AGS	95	B	1,537	B
32.	708001	KILAUEA ELEMENTARY, KAUAI					
		CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS AND GROUND AND SITE IMPROVEMENTS.					
		CONSTRUCTION		950			
		EQUIPMENT		16			
		TOTAL FUNDING	AGS	966	B		B
33.	714001	WAIMEA CANYON ELEMENTARY AND INTERMEDIATE, KAUAI					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES					
		DESIGN		82			
		CONSTRUCTION				1,352	
		EQUIPMENT				24	
		TOTAL FUNDING	AGS	82	B	1,376	B
34.	624008	LAHAINA INTERMEDIATE, MAUI					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES.					
		DESIGN		142			
		CONSTRUCTION				3,006	
		EQUIPMENT				9	
		TOTAL FUNDING	AGS	142	B	3,015	B
35.	528007	WAIMEA ELEMENTARY AND INTERMEDIATE, HAWAII					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES.					
		DESIGN		63			
		CONSTRUCTION				963	
		EQUIPMENT				16	
		TOTAL FUNDING	AGS	63	B	979	B
36.	712001	WAIMEA HIGH, KAUAI					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS AND GROUND AND SITE IMPROVEMENTS					
		DESIGN			60		
		CONSTRUCTION					950
		EQUIPMENT					16
		TOTAL FUNDING	AGS		60B		966B
37	705007	KAUAI HIGH, KAUAI					
		DESIGN FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES					
		DESIGN					100
		TOTAL FUNDING	AGS		B		100B
38	608004	KIHEI INTERMEDIATE, MAUI					
		DESIGN CONSTRUCTION AND EQUIPMENT FOR MUSIC/BAND BUILDING AND GROUND AND SITE IMPROVEMENTS					
		DESIGN			79		
		CONSTRUCTION					1,233
		EQUIPMENT					10
		TOTAL FUNDING	AGS		79B		1,243B
39	502004	HILO HIGH, HAWAII					
		CONSTRUCTION AND EQUIPMENT FOR WOOD AND METAL TECHNOLOGY SHOPS, PARKING, COVERED WALKWAYS, EQUIPMENT, APPURTENANCES AND DEMOLITION OF OLD STRUCTURE					
		CONSTRUCTION		1,500			
		EQUIPMENT		10			
		TOTAL FUNDING	AGS	1,510B			B
40	526002	WAIAKEA INTERMEDIATE, HAWAII					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, COVERED WALKWAYS, EQUIPMENT AND APPURTENANCES					
		DESIGN			73		
		CONSTRUCTION					1,082
		EQUIPMENT					20
		TOTAL FUNDING	AGS		73B		1,102B
41	516001	KOHALA HIGH AND ELEMENTARY, HAWAII					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, EQUIPMENT AND APPURTENANCES					
		DESIGN			70		
		CONSTRUCTION					1,119
		EQUIPMENT					16
		TOTAL FUNDING	AGS		70B		1,135B

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
42.	518007	KONAWAENA HIGH, HAWAII					
		DESIGN FOR RENOVATION OF ELEMENTARY CLASSROOMS TO SECONDARY CLASSROOMS.					
		DESIGN				100	
		TOTAL FUNDING	AGS		B	100B	
43.	343001	NEW EWA II ELEMENTARY, OAHU					
		PLANS FOR ENVIRONMENTAL IMPACT STATEMENT AND SITE SELECTION.					
		PLANS		50			
		TOTAL FUNDING	AGS	50B			B
44.	343002	NEW EWA II ELEMENTARY, OAHU					
		FUNDS FOR LAND ACQUISITION.					
		LAND				600	
		TOTAL FUNDING	AGS		B	600B	
45.	343003	NEW EWA II ELEMENTARY, OAHU					
		PLANS FOR MASTER PLAN REPORT.					
		PLANS				50	
		TOTAL FUNDING	AGS		B	50B	
46.	628001	NEW UPCOUNTRY MAUI HIGH, MAUI					
		PLANS FOR ENVIRONMENTAL IMPACT STATEMENT AND SITE SELECTION.					
		PLANS		50			
		TOTAL FUNDING	AGS	50B			B
47	628002	NEW UPCOUNTRY MAUI HIGH, MAUI					
		FUNDS FOR LAND ACQUISITION.					
		LAND				1,200	
		TOTAL FUNDING	AGS		B	1,200B	
48.	628003	NEW UPCOUNTRY MAUI HIGH, MAUI					
		PLANS FOR MASTER PLAN REPORT.					
		PLANS				75	
		TOTAL FUNDING	AGS		B	75B	
49	535001	NEW WEST HAWAII ELEMENTARY, HAWAII					
		PLANS FOR ENVIRONMENTAL IMPACT STATEMENT AND SITE SELECTION.					
		PLANS		50			
		TOTAL FUNDING	AGS	50B			B

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
50	535002	NEW WEST HAWAII ELEMENTARY, HAWAII					
		FUNDS FOR LAND ACQUISITION					
		LAND				600	
		TOTAL FUNDING	AGS		B	600	B
51	535003	NEW WEST HAWAII ELEMENTARY, HAWAII					
		PLANS FOR MASTER PLAN REPORT					
		PLANS				50	
		TOTAL FUNDING	AGS		B	50	B
52	623001	WAILUKU ELEMENTARY, MAUI					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS EQUIPMENT AND APPURTENANCES					
		DESIGN		60			
		CONSTRUCTION				875	
		EQUIPMENT				16	
		TOTAL FUNDING	AGS	60	B	891	B
53	235004	WAIALUA HIGH, OAHU					
		DESIGN FOR CLASSROOMS					
		DESIGN				87	
		TOTAL FUNDING	AGS		B	87	B
54	622001	WAIHEE ELEMENTARY MAUI					
		DESIGN FOR CLASSROOMS					
		DESIGN				100	
		TOTAL FUNDING	AGS		B	100	B
55	618002	MOLOKAI HIGH AND INTERMEDIATE, MOLOKAI					
		DESIGN AND CONSTRUCTION FOR PLAYFIELD AND PARKING					
		DESIGN		76			
		CONSTRUCTION				1,275	
		TOTAL FUNDING	AGS	76	B	1,275	B
56	608007	KIHEI INTERMEDIATE, MAUI DESIGN FOR P.E. LOCKER/SHOWER					
		FACILITY, PLAYCOURTS AND GROUND AND SITE IMPROVEMENTS					
		DESIGN				110	
		TOTAL FUNDING	AGS		B	110	B
58	626005	MAUI WAENA INTERMEDIATE, MAUI					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR P.E. LOCKER/SHOWER FACILITY, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES.					
		DESIGN		97			
		CONSTRUCTION				1,927	
		EQUIPMENT				30	
		TOTAL FUNDING	AGS	97	B	1,957	B
59.	603008	IAO INTERMEDIATE, MAUI					
		CONSTRUCTION FOR PAVED PLAYCOURTS, PER AGREEMENT WITH MAUI COUNTY.					
		CONSTRUCTION		75			
		TOTAL FUNDING	AGS	75	B		B
60.	520007	MOUNTAIN VIEW ELEMENTARY AND INTERMEDIATE, HAWAII					
		DESIGN AND CONSTRUCTION OF DRIVEWAY IMPROVEMENTS, BUS LOADING/UNLOADING AREA AND PARKING.					
		DESIGN		30			
		CONSTRUCTION		180			
		TOTAL FUNDING	AGS	210	B		B
61.	602009	HANA HIGH, MAUI					
		DESIGN AND CONSTRUCTION FOR ROADWAY AND PARKING FOR SCHOOL GYMNASIUM.					
		DESIGN		54			
		CONSTRUCTION		666			
		TOTAL FUNDING	AGS	720	B		B
62.	226003	RADFORD HIGH, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR INDUSTRIAL EDUCATION FACILITY AND PAVING OF PARKING AREA.					
		DESIGN		136			
		CONSTRUCTION				2,228	
		EQUIPMENT				9	
		TOTAL FUNDING	AGS	136	B	2,237	B
63.	302005	CAMPBELL HIGH, OAHU					
		DESIGN FOR AUTO AND METAL SHOPS AND GROUND AND SITE IMPROVEMENTS					
		DESIGN				125	
		TOTAL FUNDING	AGS		B	125	B
64.	523010	PAHOA HIGH, HAWAII					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR AUTOMOTIVE TECHNOLOGY FACILITY, COVERED WALKWAY, EQUIPMENT AND APPURTENANCES.					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO	CAPITAL NO	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		DESIGN		84			
		CONSTRUCTION				1 378	
		EQUIPMENT				5	
		TOTAL FUNDING	AGS	84	B	1 383	B
65	613001	LANAI HIGH LANAI					
		DESIGN CONSTRUCTION AND EQUIPMENT FOR AUTO/METAL FACILITY AND GROUND AND SITE IMPROVEMENTS					
		DESIGN		15			
		CONSTRUCTION		1 200			
		EQUIPMENT		10			
		TOTAL FUNDING	AGS	1 225	B		B
66	507002	HONOKAA HIGH HAWAII					
		DESIGN CONSTRUCTION AND EQUIPMENT FOR AUTO SHOP					
		DESIGN		80			
		CONSTRUCTION				1 378	
		EQUIPMENT				5	
		TOTAL FUNDING	AGS	80	B	1 383	B
67	402002	CASTLE HIGH OAHU					
		DESIGN CONSTRUCTION AND EQUIPMENT FOR RENOVATION OF SCIENCE CLASSROOMS					
		DESIGN		75			
		CONSTRUCTION				800	
		EQUIPMENT				20	
		TOTAL FUNDING	AGS	75	B	820	B
68	532609	KAHAKAI ELEMENTARY HAWAII					
		DESIGN AND CONSTRUCTION FOR PLAYCOURTS AND GROUND AND SITE IMPROVEMENTS					
		DESIGN		15			
		CONSTRUCTION		100			
		TOTAL FUNDING	AGS	115	B		B
69	600026	BALDWIN HIGH MAUI					
		DESIGN AND CONSTRUCTION FOR PLAYCOURTS AND GROUND AND SITE IMPROVEMENTS					
		DESIGN		40			
		CONSTRUCTION		350			
		TOTAL FUNDING	AGS	390	B		B
70	533004	KEALAKEHE INTERMEDIATE HAWAII					
		DESIGN AND CONSTRUCTION FOR PLAYCOURTS AND GROUND AND SITE IMPROVEMENTS					
		DESIGN				17	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		CONSTRUCTION				145	
		TOTAL FUNDING	AGS		B	162	B
71.	616002	MAUI HIGH, MAUI					
		DESIGN AND CONSTRUCTION FOR ATHLETIC FIELD WITH STORAGE AND TOILET FACILITIES.					
		DESIGN		50			
		CONSTRUCTION				1,200	
		TOTAL FUNDING	AGS	50	B	1,200	B
72.	524005	WAIAKEA ELEMENTARY, HAWAII					
		DESIGN FOR CLASSROOMS, EQUIPMENT AND APPURTENANCES.					
		DESIGN				100	
		TOTAL FUNDING	AGS		B	100	B
73.	237009	WHEELER ELEMENTARY, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.					
		DESIGN		113			
		CONSTRUCTION				1,921	
		EQUIPMENT				32	
		TOTAL FUNDING	AGS	113	B	1,953	B
74.	309003	KAIMILOA ELEMENTARY, OAHU					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES.					
		PLANS				1	
		DESIGN				99	
		CONSTRUCTION		2,244		900	
		EQUIPMENT		48			
		TOTAL FUNDING	AGS		A	1,000	A
			AGS	2,292	B		B
75.	506001	HONAUNAU ELEMENTARY, HAWAII					
		DESIGN FOR CLASSROOMS, COVERED WALKWAY, EQUIPMENT AND APPURTENANCES.					
		DESIGN				60	
		TOTAL FUNDING	AGS		B	60	B
76.	215007	MILILANI HIGH, OAHU					
		DESIGN, CONSTRUCTION, EQUIPMENT AND APPURTENANCES FOR CLASSROOMS.					
		DESIGN				113	
		CONSTRUCTION				2,340	
		EQUIPMENT				40	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		TOTAL FUNDING	AGS		B	2,493	B
77	423001	MOKAPU ELEMETARY, OAHU					
		DESIGN FOR CLASSROOMS, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES					
		DESIGN				105	
		TOTAL FUNDING	AGS		B	105	B
78	415004	KALAHEO HIGH, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR ATHLETIC LOCKER/SHOWER FACILITY, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES					
		DESIGN		121			
		CONSTRUCTION				2,711	
		EQUIPMENT				5	
		TOTAL FUNDING	AGS		A	800	A
			AGS	121	B	1,916	B
79	600027	BALDWIN HIGH, MAUI					
		DESIGN FOR GYMNASIUM, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES					
		DESIGN				210	
		TOTAL FUNDING	AGS		B	210	B
80	705001	KAUAI HIGH, KAUAI					
		DESIGN FOR GYMNASIUM, GROUND AND SITE IMPROVEMENTS EQUIPMENT AND APPURTENANCES					
		DESIGN				210	
		TOTAL FUNDING	AGS		B	210	B
81	702003	KALAHEO ELEMENTARY, KAUAI					
		DESIGN FOR CLASSROOM BUILDING WITH TEACHER WORKROOM AND TOILETS					
		DESIGN		363			
		TOTAL FUNDING	AGS	363	B		B
82	347001	KAPOLEI ELEMENTARY, OAHU					
		MASTER PLAN AND DESIGN FOR THE FIRST INCREMENT OF A NEW ELEMENTARY SCHOOL					
		PLANS		100			
		DESIGN				600	
		TOTAL FUNDING	AGS	100	B	600	B
83	241001	MILILANI MAUKA ELEMENTARY OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		PLANS AND DESIGN FOR THE SITE SELECTION (EIS), AND MASTER PLAN AND DESIGN FOR A NEW ELEMENTARY SCHOOL					
		PLANS			50		150
		DESIGN					600
		TOTAL FUNDING	AGS		50B		750B
84.		010 LUMP SUM CIP - PROJECT ADJUSTMENT FUND					
		DESIGN, CONSTRUCTION AND EQUIPMENT TO ESTABLISH A CONTINGENCY FUND FOR PROJECT ADJUSTMENT PURPOSES SUBJECT TO THE PROVISIONS OF THE APPROPRIATIONS ACT. OTHER DOE PROJECTS WITHIN THIS ACT WITH UNREQUIRED BALANCES MAY BE TRANSFERRED INTO THIS ITEM.					
		DESIGN			300		300
		CONSTRUCTION			1,100		1,100
		EQUIPMENT			100		100
		TOTAL FUNDING	AGS		1,500B		1,500B
85.		325004 WAIANAE HIGH, OAHU					
		CONSTRUCTION AND EQUIPMENT FOR RENOVATION OF CLASSROOMS FOR SCIENCE, EQUIPMENT AND APPURTENANCES.					
		CONSTRUCTION			750		
		EQUIPMENT			15		
		TOTAL FUNDING	AGS		765B		B
86.		503001 HILO INTERMEDIATE, HAWAII					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR CLASSROOMS, EQUIPMENT AND APPURTENANCES; RENOVATE BUILDING A BASEMENT FOR TEMPORARY SHOP.					
		DESIGN			120		
		CONSTRUCTION					1,800
		EQUIPMENT					30
		TOTAL FUNDING	AGS		120B		1,830B
87.		609004 KILOHANA ELEMENTARY, MOLOKAI					
		DESIGN FOR CLASSROOMS AND GROUND AND SITE IMPROVEMENTS.					
		DESIGN					100
		TOTAL FUNDING	AGS		B		100B
88.		602008 HANA HIGH AND ELEMENTARY, MAUI					
		DESIGN AND CONSTRUCTION FOR ELEMENTARY PLAYFIELD.					
		DESIGN					29
		CONSTRUCTION					286

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		TOTAL FUNDING	AGS		B		315B
89		HANA HIGH AND ELEMENTARY, MAUI					
		CONSTRUCTION TO COMPLETE THE GYMNASIUM, GROUND AND SITE IMPROVEMENTS, AND APPURTENANCES					
		CONSTRUCTION		646			
		TOTAL FUNDING	AGS	646B			B
90		WAHIAWA INTERMEDIATE, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR A COVERED PLAYCOURT, EQUIPMENT, GROUND AND SITE IMPROVEMENTS AND APPURTENANCES					
		PLANS		11			
		DESIGN		50			
		CONSTRUCTION		750			
		TOTAL FUNDING	AGS	811B			B
91		WAIANAE HIGH, OAHU					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR A WEIGHTROOM, EQUIPMENT, GROUND AND SITE IMPROVEMENTS, AND APPURTENANCES					
		PLANS		10			
		DESIGN		20			
		CONSTRUCTION		300			
		EQUIPMENT		10			
		TOTAL FUNDING	AGS	340B			B
92		WAIANAE HIGH, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR A PRESSROOM, GROUND AND SITE IMPROVEMENTS AND IMPROVEMENTS					
		PLANS		6			
		DESIGN		20			
		CONSTRUCTION		150			
		TOTAL FUNDING	AGS	176B			B
93		WAIANAE HIGH, OAHU					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR AN EXHAUST BLOWER FOR THE HOME ECONOMICS DEPARTMENT					
		PLANS		5			
		DESIGN		10			
		CONSTRUCTION		60			
		EQUIPMENT		5			
		TOTAL FUNDING	AGS	80B			B
94		WAIANAE HIGH, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A PUMP AND WELL TO STORE LIVE SPECIMENS FOR THE MARINE SCIENCE PROGRAMS.					
		PLANS			2		
		DESIGN			5		
		CONSTRUCTION			40		
		EQUIPMENT			3		
		TOTAL FUNDING	AGS		50B		B
95.		LEIHOKU ELEMENTARY, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR A 4,700 SQUARE FEET PLAYCOURT, EQUIPMENT, GROUND AND SITE IMPROVEMENTS AND APPURTENANCES.					
		PLANS			5		
		DESIGN			10		
		CONSTRUCTION			40		
		TOTAL FUNDING	AGS		55B		B
96.		RADFORD HIGH, OAHU					
		DESIGN AND CONSTRUCTION TO COMPLETE PAVING OF THE STUDENT PARKING LOT.					
		DESIGN			48		
		CONSTRUCTION			500		
		TOTAL FUNDING	AGS		548B		B
97.		KAPAA INTERMEDIATE AND HIGH, KAUAI					
		FUNDS TO REVISE SCHOOL MASTER PLAN DUE TO PLANNED RELOCATION OF ELEMENTARY SCHOOL.					
		PLANS			300		
		TOTAL FUNDING	AGS		300B		B
98.		KAPAA ELEMENTARY, KAUAI					
		FUNDS TO CONDUCT A SITE SURVEY TO RELOCATE THE ELEMENTARY SCHOOL DUE TO AN ANTICIPATED INCREASE IN INTERMEDIATE AND HIGH SCHOOL STUDENTS.					
		PLANS			250		
		TOTAL FUNDING	AGS		250B		B
99.		KAMILOIKI ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION FOR SOUNDPROOFING PARTITIONS FOR 3 ON 2 AND 6 ON 4 CLASSROOMS.					
		DESIGN			20		
		CONSTRUCTION			180		
		TOTAL FUNDING	AGS		200B		B
100.		BALDWIN HIGH, MAUI					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
	CONSTRUCTION FOR REPAIRS TO THE AUDITORIUM AT BALDWIN HIGH SCHOOL, MAUI						
		CONSTRUCTION		1,000			
		TOTAL FUNDING	AGS	1,000	B		B
101	KONAWAENA HIGH HAWAII						
	PLANS, DESIGN AND CONSTRUCTION FOR A COMMUNITY-SCHOOL ALL-WEATHER TRACK FOR WEST HAWAII						
		PLANS		50			
		DESIGN		100			
		CONSTRUCTION		1,350			
		TOTAL FUNDING	AGS	1,500	B		B
102	MOANALUA HIGH, OAHU						
	PLANS AND DESIGN FOR IMPROVEMENTS TO FIELD ADJACENT TO ADMINISTRATION BUILDING						
		PLANS		5			
		DESIGN		10			
		TOTAL FUNDING	AGS	15	B		B
103	WAIAKEA UKA ELEMENTARY, HAWAII						
	PLANS FOR WAIAKEA UKA ELEMENTARY SCHOOL, HAWAII						
		PLANS		100			
		TOTAL FUNDING	AGS	100	B		B
104	KA'U HIGH, HAWAII						
	DESIGN, CONSTRUCTION AND EQUIPMENT FOR MUSIC BUILDING						
		DESIGN		79			
		CONSTRUCTION		1,233			
		EQUIPMENT		10			
		TOTAL FUNDING	AGS	1,322	B		B
105	AUGUST AHRENS ELEMENTARY, OAHU						
	DESIGN FOR A NEW 8 CLASSROOM BUILDING						
		DESIGN		136			
		TOTAL FUNDING	AGS	136	B		B
106	LAHAINALUNA HIGH, MAUI						
	PLANS, DESIGN, AND CONSTRUCTION FOR A SWIMMING POOL AND RELATED FACILITIES AT LAHAINALUNA HIGH SCHOOL WHICH SHALL BE AVAILABLE FOR USE BY THE COMMUNITY						
		PLANS		25			
		DESIGN		25			
		CONSTRUCTION		200			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		TOTAL FUNDING	AGS	250	B		B
106A.		HANALEI MIDDLE SCHOOL, KAUAI PLANS FOR SITE SELECTION AND MASTER PLAN OF A NEW MIDDLE SCHOOL.					
		PLANS				150	
		TOTAL FUNDING	AGS		A	150	A
106B.		STEVENSON INTERMEDIATE, OAHU					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR TWO PORTABLE CLASSROOMS.					
		DESIGN				1	
		CONSTRUCTION				146	
		EQUIPMENT				1	
		TOTAL FUNDING	AGS		B	148	B
106C.		WAIPAHU INTERMEDIATE, OAHU					
		DESIGN AND CONSTRUCTION FOR THE RENOVATION OF FOUR SCIENCE CLASSROOMS (Y Building)					
		DESIGN				62	
		CONSTRUCTION				438	
		TOTAL FUNDING	AGS		A	500	A
106D.		MOANALUA HIGH, OAHU					
		CONSTRUCTION OF AN 8 CLASSROOM BUILDING.					
		CONSTRUCTION				1,800	
		TOTAL FUNDING	AGS		A	1,800	A
106E.		CASTLE HIGH, OAHU					
		PLANS AND DESIGN OF A NEW GYMNASIUM.					
		PLANS				50	
		DESIGN				150	
		TOTAL FUNDING	AGS		A	200	A
106F.		PORTABLE CLASSROOMS, HAWAII DISTRICT, HAWAII					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR PORTABLES FOR THE HAWAII DISTRICT.					
		DESIGN				1	
		CONSTRUCTION				848	
		EQUIPMENT				1	
		TOTAL FUNDING	AGS		A	850	A
106G.		KAUAI INTERMEDIATE, KAUAI					
		PLANS FOR SITE SELECTION AND MASTER PLAN OF A NEW MIDDLE SCHOOL.					
		PLANS				150	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		TOTAL FUNDING	AGS		A		150A
EDN107		- SPECIAL EDUCATION					
107		005 LUMP SUM CIP, ARCHITECTURAL BARRIERS AND					
		SPECIAL EDUCATION CLASSROOM IMPROVEMENTS					
		DESIGN AND CONSTRUCTION TO PROVIDE RAMPS, ELEVATORS AND OTHER CORRECTIVE MEASURES FOR ACCESSIBILITY OF SCHOOL FACILITIES TO HANDICAPPED PERSONS					
		DESIGN		506			
		CONSTRUCTION		11,600		1,782	
		TOTAL FUNDING	AGS	12,106B		1,782B	
108		013 LUMP SUM CIP, SPECIAL EDUCATION PROGRAM					
		DESIGN AND CONSTRUCTION FOR THE RENOVATION OR CONSTRUCTION OF CLASSROOMS FOR SPECIAL EDUCATION					
		DESIGN		100		100	
		CONSTRUCTION		1,000		1,000	
		TOTAL FUNDING	AGS	1,100B		1,100B	
EDN203		- SCHOOL ADMINISTRATION					
109		216002 MILILANI UKA ELEMENTARY, OAHU					
		DESIGN FOR AN ADMINISTRATION BUILDING AND RENOVATION OF TEMPORARY ADMINISTRATION BUILDING INTO CLASSROOMS					
		DESIGN				60	
		TOTAL FUNDING	AGS		B	60B	
110		330006 WAIPAHU HIGH OAHU					
		DESIGN OF AN ADMINISTRATION BUILDING AND RENOVATION OF EXISTING ADMINISTRATION AREAS INTO CLASSROOMS					
		DESIGN				106	
		TOTAL FUNDING	AGS		B	106B	
111		331006 WAIPAHU INTERMEDIATE, OAHU					
		DESIGN AND CONSTRUCTION FOR AN ADMINISTRATION BUILDING AND DEMOLITION OF THE EXISTING BUILDING					
		DESIGN				84	
		CONSTRUCTION				400	
		TOTAL FUNDING	AGS		B	84B	
			AGS		C	400C	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
EDN204	- INSTRUCTIONAL MEDIA						
112.	106001	FARRINGTON HIGH, OAHU					
		CONSTRUCTION AND EQUIPMENT FOR A LIBRARY AND RENOVATION OF THE EXISTING LIBRARY INTO CLASSROOMS.					
		CONSTRUCTION		2,900			
		EQUIPMENT		28			
		TOTAL FUNDING	AGS	2,928	B		B
113.	205001	HALE KULA ELEMENTARY, OAHU					
		DESIGN FOR THE RENOVATION AND EXPANSION OF EXISTING LIBRARY.					
		DESIGN				70	
		TOTAL FUNDING	AGS		B	70	B
114.	413002	KAILUA INTERMEDIATE, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR RENOVATION AND EXPANSION OF EXISTING LIBRARY.					
		DESIGN		80			
		CONSTRUCTION				1,005	
		EQUIPMENT				10	
		TOTAL FUNDING	AGS	80	B	1,015	B
115.	612001	LAHAINALUNA HIGH, MAUI					
		DESIGN FOR A LIBRARY AND CONVERSION OF EXISTING TEMPORARY LIBRARY INTO CLASSROOMS.					
		DESIGN				190	
		TOTAL FUNDING	AGS		B	190	B
116.	317002	NANAIKAPONO ELEMENTARY, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR RENOVATION OF P.E. LOCKER/ SHOWER INTO LIBRARY AND RENOVATION OF THE EXISTING LIBRARY INTO TWO CLASSROOMS.					
		DESIGN		44			
		CONSTRUCTION				227	
		EQUIPMENT				20	
		TOTAL FUNDING	AGS	44	B	247	B
117.	225008	PEARL RIDGE ELEMENTARY, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR RENOVATION OF BUILDING J INTO LIBRARY.					
		DESIGN		10			
		CONSTRUCTION		620			
		EQUIPMENT		15			
		TOTAL FUNDING	AGS	645	B		B

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
118		AIEA HIGH, OAHU					
		DESIGN AND CONSTRUCTION FOR EXPANSION AND RENOVATION OF EXISTING LIBRARY					
		DESIGN		61			
		CONSTRUCTION		345			
		TOTAL FUNDING	AGS	406B			B
119		HIGHLANDS INTERMEDIATE, OAHU					
		DESIGN AND CONSTRUCTION OF NEW LIBRARY, RENOVATION OF EXISTING LIBRARY TO CLASSROOMS, AND REMOVAL AND RELOCATION OF EXISTING PORTABLE CLASSROOMS					
		DESIGN		167			
		CONSTRUCTION		2,542			
		TOTAL FUNDING	AGS	2,709B			B
120		KALANI HIGH, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR AIR CONDITIONING IN SCHOOL LIBRARY					
		PLANS		5			
		DESIGN		15			
		CONSTRUCTION		130			
		TOTAL FUNDING	AGS	150B			B
121		LAHAINALUNA HIGH, MAUI					
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO LIBRARY					
		DESIGN		75			
		CONSTRUCTION		675			
		TOTAL FUNDING	AGS	750B			B
122		LINCOLN ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION FOR AIR CONDITIONING IN SCHOOL LIBRARY					
		DESIGN		20			
		CONSTRUCTION		180			
		TOTAL FUNDING	AGS	200B			B
122A		KALIHI KAI ELEMENTARY, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION TO RENOVATE AND CONVERT BUILDING E INTO A LIBRARY FACILITY					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				88	
		TOTAL FUNDING	AGS		B	90B	
122B		NIU VALLEY INTERMEDIATE, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR AN AIR-CONDITIONING SYSTEM FOR THE LIBRARY.					
		DESIGN				1	
		CONSTRUCTION				312	
		EQUIPMENT				1	
		TOTAL FUNDING	AGS		A	314	A
EDN303		**- STATE ADMINISTRATION**					
123.		015 STATE/DISTRICT RELOCATIONS AND IMPROVEMENTS					
		DESIGN AND CONSTRUCTION FOR STATE AND DISTRICT OFFICE IMPROVEMENTS.					
		DESIGN		100			
		CONSTRUCTION		500			
		TOTAL FUNDING	AGS	600	B		B
EDN305		**- SCHOOL FOOD SERVICES**					
124.		715005 HANAMAULU/WAILUA ELEMENTARY, KAUAI					
		DESIGN FOR A CAFETORIUM WITH PREPARATION KITCHEN.					
		DESIGN				100	
		TOTAL FUNDING	AGS		B	100	B
125.		287003 HOAEAE ELEMENTARY, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR A CAFETORIUM WITH SERVING KITCHEN.					
		DESIGN		95			
		CONSTRUCTION				1,361	
		EQUIPMENT				30	
		TOTAL FUNDING	AGS	95	B	1,391	B
126.		435003 KAHUKU ELEMENTARY, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR A CAFETORIUM WITH SERVING KITCHEN.					
		DESIGN		90			
		CONSTRUCTION				1,326	
		EQUIPMENT				30	
		TOTAL FUNDING	AGS	90	B	1,356	B
127.		533003 KEALAKEHE INTERMEDIATE, HAWAII					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR A CAFETORIUM; TO INCLUDE: PREPARATION KITCHEN, DRIVEWAY AND PARKING LOT.					
		DESIGN		194			
		CONSTRUCTION				3,995	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		EQUIPMENT					30
		TOTAL FUNDING	AGS		194B		4,025B
128	420006	LAIE ELEMENTARY, OAHU					
		DESIGN FOR RENOVATION AND EXPANSION OF CAFETORIUM					
		DESIGN					45
		TOTAL FUNDING	AGS		B		45B
129	626006	MAUI WAENA INTERMEDIATE, MAUI					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR A CAFETORIUM					
		DESIGN			118		
		CONSTRUCTION					2,119
		EQUIPMENT					30
		TOTAL FUNDING	AGS		118B		2,149B
130	409003	SUNSET BEACH ELEMENTARY, OAHU					
		DESIGN CAFETORIUM					
		DESIGN					95
		TOTAL FUNDING	AGS		B		95B
131	235003	WAIALUA HIGH, OAHU					
		DESIGN FOR RENOVATION AND EXPANSION OF CAFETORIUM					
		DESIGN					90
		TOTAL FUNDING	AGS		B		90B
132	342005	WAIANAE III ELEMENTARY OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR A CAFETORIUM WITH SERVING KITCHEN					
		DESIGN			95		
		CONSTRUCTION					1,361
		EQUIPMENT					30
		TOTAL FUNDING	AGS		95B		1,391B
133		KAPAA HIGH AND INTERMEDIATE, KAUAI					
		PLANS, DESIGN AND CONSTRUCTION FOR EXPANSION OF DINING ROOM FACILITIES					
		PLANS			15		
		DESIGN			30		
		CONSTRUCTION			255		
		TOTAL FUNDING	AGS		300B		B
134		KAUMANA ELEMENTARY HAWAII					
		CONSTRUCTION FOR A SCHOOL CAFETORIUM					
		CONSTRUCTION			1,100		250
		TOTAL FUNDING	AGS		A		250A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
			AGS	1,100	B		B
134A.		WAIMEA ELEMENTARY AND INTERMEDIATE, HAWAII					
		DESIGN FOR NEW CAFETERIA OR EXPANSION OF EXISTING CAFETERIA.					
		DESIGN				90	
		TOTAL FUNDING	AGS		B	90	B
EDN407		**- PUBLIC LIBRARIES**					
135.		070-4 HILO LIBRARY EXPANSION, HAWAII					
		CONSTRUCTION AND EQUIPMENT FOR EXPANSION OF THE HILO PUBLIC LIBRARY					
		CONSTRUCTION		2,124		965	
		EQUIPMENT		100			
		TOTAL FUNDING	AGS	2,224	C	965	C
136.		098-2 NORTH SHORE KAUAI LIBRARY, KAUAI					
		DESIGN FOR A NEW LIBRARY FACILITY.					
		DESIGN		236			
		TOTAL FUNDING	AGS	236	C		C
136A.		085-11 LUMP SUM CIP ASBESTOS ABATEMENT					
		DESIGN AND CONSTRUCTION FOR ASBESTOS ABATEMENT IN PUBLIC LIBRARIES.					
		DESIGN				75	
		CONSTRUCTION				675	
		TOTAL FUNDING	AGS		C	750	C
137.		800-02 LUMP SUM CIP, MINOR IMPROVEMENTS					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO BUILDINGS AND LIBRARY SITES.					
		PLANS		20			
		DESIGN		50			
		CONSTRUCTION		250		250	
		EQUIPMENT		10		10	
		TOTAL FUNDING	AGS	330	C	260	C
138.		800-03 LUMP SUM CIP, ENVIRONMENTAL CONTROLS					
		DESIGN AND CONSTRUCTION TO PROVIDE ENVIRONMENTAL CONTROLS TO BUILDINGS AND LIBRARY SITES.					
		DESIGN		150		100	
		CONSTRUCTION		465		360	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		TOTAL FUNDING	AGS	615C		460C	
139		800-06 LUMP SUM CIP, MODULAR LIBRARY FACILITIES					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR ACQUISITION OR CONSTRUCTION OF MODULAR LIBRARY FACILITIES					
		PLANS		20			
		DESIGN		50			
		CONSTRUCTION		500			
		EQUIPMENT		50			
		TOTAL FUNDING	AGS	620C		C	
140		800-07 LUMP SUM CIP, SITE SELECTION MASTER PLAN					
		PLANS, LAND ACQUISITION, SITE SELECTION MASTER PLANNING AND DAGS ASSISTANCE FUNDS					
		PLANS		150		100	
		LAND		5			
		TOTAL FUNDING	AGS	155C		100C	
141		001-2 HAWAII STATE PUBLIC LIBRARY, OAHU					
		CONSTRUCTION AND EQUIPMENT FOR THE EXPANSION AND RENOVATION OF THE HAWAII STATE PUBLIC LIBRARY					
		CONSTRUCTION		6,000			
		EQUIPMENT		2,000			
		TOTAL FUNDING	AGS	8,000A		A	
142		MANOA LIBRARY, OAHU					
		ADD FUNDS TO UPDATE MASTER PLAN					
		PLANS		50			
		TOTAL FUNDING	AGS	50A		A	
142A		MAKAWAO PUBLIC LIBRARY, MAUI					
		PLANS DESIGN AND CONSTRUCTION FOR THE EXPANSION AND RENOVATION TO THE MAKAWAO PUBLIC LIBRARY					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				248	
		TOTAL FUNDING	AGS	C		250C	
143		043-1 SALT LAKE/MOANALUA PUBLIC LIBRARY OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN AND CONSTRUCTION FOR A FACILITY WITH TEMPERATURE, HUMIDITY, AND ACOUSTICAL CONTROLS TO PROVIDE LIBRARY SERVICES TO THE COMMUNITY OF SALT LAKE/ MOANALUA AND ADJACENT COMMUNITIES.					
		DESIGN		48			
		CONSTRUCTION		2,051			
		TOTAL FUNDING	AGS	2,099	A		A
143A.		LAHAINA PUBLIC LIBRARY, MAUI					
		PLANS FOR A NEW LIBRARY IN THE LAHAINA AREA.					
		PLANS				75	
		TOTAL FUNDING	AGS		A	75	A
UOH101		**- INSTRUCTION - UOH, MANOA**					
145.		092 UHM, PACIFIC OCEAN SCIENCE AND TECHNOLOGY CENTER, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR INSTRUCTIONAL AND RESEARCH FACILITIES FOR THE PACIFIC OCEAN SCIENCE AND TECHNOLOGY PROGRAMS. ALSO, FOR A PARKING STRUCTURE IN THE HOLMES HALL PARKING LOT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.					
		DESIGN		300			
		CONSTRUCTION		1			
		EQUIPMENT		4,699			
		TOTAL FUNDING	AGS	5,000	N		N
146.		097 UHM, WEBSTER AND SPALDING HALLS/SCHOOL OF NURSING RENOVATIONS, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR THE RENOVATION OF EXISTING FACILITIES FOR THE SCHOOL OF NURSING AND OTHER ACADEMIC PROGRAMS.					
		PLANS		1			
		DESIGN		611		1	
		CONSTRUCTION				7,617	
		TOTAL FUNDING	AGS	612	A	7,618	A
147.		088 UHM, WIST HALL RENOVATIONS, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR THE RENOVATION OF EXISTING FACILITIES FOR THE COLLEGE OF EDUCATION.					
		PLANS		1			
		DESIGN		314		120	
		CONSTRUCTION				4,566	
		TOTAL FUNDING	AGS	315	A	3,501	A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
			AGS		C	1,185	C
148	078	UHM, SCHOOL OF ARCHITECTURE/ PARKING FACILITIES, OAHU					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR SCHOOL OF ARCHITECTURE AND PARKING FACILITIES					
		PLANS		1		1	
		DESIGN		705		15	
		CONSTRUCTION		13,161		1	
		EQUIPMENT				202	
		TOTAL FUNDING	AGS	13,867	A	219	A
149	085	UHM CENTER FOR HAWAIIAN STUDIES, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR FACILITIES FOR THE HAWAIIAN STUDIES PROGRAM THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT					
		DESIGN		1		1	
		CONSTRUCTION		2,584		2,584	
		EQUIPMENT		1		1	
		TOTAL FUNDING	AGS	1,293	A	1,293	A
			AGS	1,293	N	1,293	N
150		UHM, KENNEDY THEATER ADDITION/ PARKING, OAHU					
		DESIGN FOR KENNEDY THEATER ADDITION AND PARKING FACILITY					
		DESIGN		275			
		TOTAL FUNDING	AGS	275	C		C
151		UHM, COLLEGE OF EDUCATION COMPLEX, PHASE I					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE COLLEGE OF EDUCATION COMPLEX PHASE I, INCLUDING LABORATORY SCHOOL FACILITIES FOR THE PRE-SCHOOL AND THE ELEMENTARY AND SECONDARY SCHOOL ALSO FOR DEMOLITION RENOVATION, RELOCATION OF FACILITIES FOR PROGRAMS AFFECTED BY THIS PROJECT					
		PLANS		1			
		DESIGN		745		1,500	
		TOTAL FUNDING	AGS	746	A		A
			AGS		C	1,500	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
151A.		UHM, AGRICULTURAL SCIENCE FACILITIES, PHASE III, TROPIC. AG. AND HUMAN RESRCS					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR FACILITIES FOR THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES. ALSO, THE RELOCATION OF EXISTING BUILDINGS LOCATED ON THE PROPOSED SITE OF THE NEW FACILITY. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.					
		PLANS				1	
		DESIGN				200	
		CONSTRUCTION				18,900	
		EQUIPMENT				1	
		TOTAL FUNDING	AGS		C	9,551	C
			AGS		N	9,551	N
151B.		UHM, RENOVATION OF CLASSROOMS, LABS, OFFICES AND OTHER RELATED SPACES, OAHU					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE MODIFICATION OF OBSOLETE CLASSROOMS, LABORATORIES, OFFICES AND RELATED SPACES TO PROVIDE SAFER, MORE CONDUCIVE TEACHING AND LEARNING ENVIRONMENTS FOR THE STUDENTS, FACULTY AND STAFF.					
		DESIGN				120	
		CONSTRUCTION				1,075	
		EQUIPMENT				100	
		TOTAL FUNDING	UOH		C	1,295	C
UOH102		**- ORGANIZED RESEARCH - UOH, MANOA**					
152.		155 UHM, MKO, MID-LEVEL FACILITIES, PHASE II, HAWAII					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR ADDITIONAL HOUSING FACILITIES AT HALE POHAKU FOR OBSERVATORY PERSONNEL.					
		DESIGN		100			
		CONSTRUCTION		1,270			
		EQUIPMENT		120			
		TOTAL FUNDING	AGS	1,490	R		R
153.		169 UHM, CANCER RESEARCH CENTER RENOVATIONS, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		DESIGN CONSTRUCTION AND EQUIPMENT TO RENOVATE A PORTION OF THE FIFTH FLOOR OF THE CANCER RESEARCH CENTER TO CONVERT OFFICES INTO LABORATORY SPACES					
		DESIGN		82			
		CONSTRUCTION		533			
		EQUIPMENT		100			
		TOTAL FUNDING	AGS	715C			C
UOH104		**- ACADEMIC SUPPORT - UOH, MANOA**					
154		UHM, HAMILTON LIBRARY PHASE III, OAHU					
		PLANS AND DESIGN FOR PHASE III OF HAMILTON LIBRARY					
		PLANS		100			
		DESIGN		903			
		TOTAL FUNDING	AGS	1,003A			A
UOH105		**- STUDENT SERVICES - UOH, MANOA**					
155	287	UHM, STUDENT SERVICES CENTER, OAHU					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE STUDENT SERVICES CENTER TO ACCOMMODATE STUDENT SERVICES AND ADMINISTRATIVE PERSONNEL HOUSED IN TEMPORARY AND SEPARATE FACILITIES ON THE MANOA CAMPUS					
		PLANS		1			
		DESIGN		1		89	
		CONSTRUCTION		15,534		1	
		EQUIPMENT				1	
		TOTAL FUNDING	AGS	15,536C		91C	
155A		UHM SPECIAL EVENTS AREA AND ATHLETICS SUPPORT FACILITIES, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR AN 10,000-SEAT SPECIAL EVENTS ARENA AND ATHLETICS SUPPORT FACILITIES ALSO, FOR THE DEMOLITION OF EXISTING FACILITIES AND RELOCATION AND RENOVATION OF FACILITIES FOR PROGRAMS AFFECTED BY THIS PROJECT					
		PLANS				581	
		DESIGN				2,904	
		CONSTRUCTION				28,515	
		TOTAL FUNDING	AGS	C		32,000C	
155B		UHM, STUDENT HOUSING FACILITIES PHASE V, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		PLANS FOR ADDITIONAL STUDENT HOUSING FACILITIES ON THE MANOA CAMPUS.					
		PLANS				135	
		TOTAL FUNDING	UOH		C		135C
UOH106	**- INSTITUTIONAL SUPPORT - UOH, MANOA**						
157.		M65 UHM, WATER SYSTEM IMPROVEMENTS, PHASE II, OAHU					
		DESIGN AND CONSTRUCTION OF A HIGH PRESSURE WATER SYSTEM TO PROVIDE FIRE PROTECTION, TO ENSURE AN ADEQUATE AND RELIABLE WATER SUPPLY TO CAMPUS FACILITIES AND FOR EFFICIENT MANAGEMENT OF WATER RESOURCES.					
		DESIGN		48			
		CONSTRUCTION		533			
		TOTAL FUNDING	AGS	581C			C
158.		M66 UHM, INSTALLATION OF FIRE SPRINKLER AND/ OR SMOKE DETECTION SYSTEMS, VARIOUS BLDG					
		DESIGN AND CONSTRUCTION TO INSTALL AND/OR UPGRADE FIRE SPRINKLER AND/ OR SMOKE DETECTION SYSTEMS IN EXISTING FACILITIES TO MEET HOSHA AND OTHER CODE REQUIREMENTS.					
		DESIGN		168			
		CONSTRUCTION		1,723			
		TOTAL FUNDING	AGS	1,891C			C
159.		M67 UHM, MODIFICATION OF FUME HOOD EXHAUST SYSTEM, VARIOUS BUILDINGS, OAHU					
		DESIGN AND CONSTRUCTION OF FUME HOOD EXHAUST SYSTEMS IN EXISTING FACILITIES TO MEET HOSHA AND OTHER CODE REQUIREMENTS.					
		DESIGN		45			
		CONSTRUCTION		495			
		TOTAL FUNDING	AGS	540C			C
160.		M71 UHM, UNIVERSITY CLUB, OAHU					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A FACILITY TO PROMOTE INTERACTION BETWEEN UNIVERSITY STAFF AND MEMBERS OF THE COMMUNITY.					
		DESIGN				144	
		TOTAL FUNDING	AGS		R		144R
161.		M72 UHM, FOOD SERVICE FACILITY, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO	CAPITAL NO	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		DESIGN CONSTRUCTION AND EQUIPMENT FOR THE REPLACEMENT OF THE SNACK BAR TO MAKE WAY FOR THE CONSTRUCTION OF HAMILTON LIBRARY PHASE III ON MALL WAY					
		DESIGN		288		1	
		CONSTRUCTION				5 281	
		TOTAL FUNDING	AGS	288R		5 282R	
162	233	UHM PARKING STRUCTURE PHASE II OAHU					
		PLANS AND DESIGN FOR THE SECOND PARKING STRUCTURE ON THE MAKAI CAMPUS ALSO FOR DEMOLITION OF EXISTING FACILITIES AND RELOCATION AND RENOVATION OF FACILITIES FOR PROGRAMS AFFECTED BY THIS PROJECT THIS STRUCTURE WILL ACCOMMODATE APPROXIMATELY 1 800 AUTOMOBILES AND THE MOTOR POOL OPERATIONS					
		PLANS				1	
		DESIGN				1 446	
		TOTAL FUNDING	AGS		C	1 447C	
163	268	UHM ELECTRICAL POWER DISTRIBUTION SYSTEM PHASE I OAHU					
		PREPARE A MASTER PLAN OF THE ELECTRICAL POWER DISTRIBUTION SYSTEM FOR THE UH MANOA CAMPUS					
		PLANS		500			
		TOTAL FUNDING	UOH	500C		C	
164	277	UHM REMOVAL ENCAPSULATION AND ENCLOSURE OF ASBESTOS MATERIALS OAHU					
		DESIGN AND CONSTRUCTION FOR THE RENOVATIONS TO UNIVERSITY BUILDINGS WITH IDENTIFIED ASBESTOS HAZARDS					
		DESIGN		66		85	
		CONSTRUCTION		850		895	
		TOTAL FUNDING	AGS	916C		980C	
165	279	UHM REPLACEMENT OF TRANSFORMERS WITH PCB OAHU					
		DESIGN CONSTRUCTION AND EQUIPMENT FOR THE REPLACEMENT OF TRANSFORMERS WITH PCB (A RECOGNIZED CARCINOGEN) TO MEET EPA REGULATIONS					
		DESIGN		45		45	
		CONSTRUCTION		480		480	
		TOTAL FUNDING	AGS	525C		525C	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
166.	280	UHM, MODIFICATIONS TO EXISTING AND/OR ADDITION OF FACILITIES TO MEET HOSHA					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR MODIFICATIONS TO EXISTING FACILITIES AND/OR CONSTRUCTION OF NEW FACILITIES TO MEET HOSHA AND OTHER CODE REQUIREMENTS.					
		DESIGN		99		45	
		CONSTRUCTION		863		270	
		TOTAL FUNDING	AGS	962C		315C	
166A.		UHM, ELECTRICAL POWER DISTRIBUTION SYSTEM, PHASE II, OAHU					
		PLANS AND DESIGN FOR THE NECESSARY ELECTRICAL INFRASTRUCTURE AS DETERMINED BY THE ELECTRICAL POWER DISTRIBUTION MASTER PLAN.					
		PLANS				1	
		DESIGN				576	
		TOTAL FUNDING	AGS		C	577C	
UOH211		**- INSTRUCTION - UOH, HILO**					
166B.		UHH, WEST HAWAII CAMPUS MASTER PLAN, HAWAII					
		MASTER PLAN FOR THE WEST HAWAII CAMPUS FACILITY.					
		PLANS				130	
		TOTAL FUNDING	UOH		A	130A	
UOH215		**- STUDENT SERVICES - UOH, HILO**					
167.	412	UHH, STUDENT HOUSING FACILITIES, PHASE II, HAWAII					
		DESIGN OF STUDENT HOUSING FACILITIES, PHASE II.					
		DESIGN				700	
		TOTAL FUNDING	AGS		C	700C	
168.		UHH, BASEBALL STADIUM, HILO, HAWAII					
		CONSTRUCTION FOR LIGHTS AND BATHROOM FACILITIES FOR THE BASEBALL STADIUM AT THE UNIVERSITY OF HAWAII AT HILO.					
		CONSTRUCTION		500			
		TOTAL FUNDING	AGS	500A			A
UOH216		**- INSTITUTIONAL SUPPORT - UOH, HILO**					
169.	444	UHH, LEARNING RESOURCES CENTER ROOF MODIFICATIONS, HAWAII					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN AND CONSTRUCTION TO MODIFY EXISTING ROOF AT THE LEARNING RESOURCES CENTER					
		DESIGN		1			
		CONSTRUCTION		2,600			
		TOTAL FUNDING	AGS	2,601	A		A
169A		445 UHH, MODIFICATIONS OF EXISTING AND/OR ADDITIONS TO EXISTING FACILITIES, HAWAII					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR LEARNING RESOURCES CENTER WENTWORTH HALL, ART SHOP, WELDING/AUTO SHOP AND COMPUTER CENTER TO MEET HOSHA					
		PLANS					10
		DESIGN					140
		CONSTRUCTION					1,000
		EQUIPMENT					100
		TOTAL FUNDING	AGS		C		1,250C
169B		UHH UTILITY GRID AND COVERED WALKWAY HAWAII					
		PLANS AND DESIGN OF A UTILITY GRID AND COVERED WALKWAY BETWEEN THE CAMPUS CENTER AND THE P E FACILITIES					
		PLANS					50
		DESIGN					350
		TOTAL FUNDING	AGS		A		400A
UOH311		**- INSTRUCTION -KAPIOLANI COMMUNITY COLLEGE**					
170		B102 KAPIOLANI CC-DIAMOND HEAD, NEW CAMPUS OAHU					
		DESIGN CONSTRUCTION, FURNITURE AND EQUIPMENT FOR NEW FACILITIES INCLUDING SITE WORK UTILITIES, ROADWAYS AND BUILDINGS AND OFF-SITE ROADWAY IMPROVEMENTS CHILD CARE FACILITIES AND COMMUNITY SERVICES FACILITIES					
		DESIGN		799		310	
		CONSTRUCTION		17,497		8,162	
		EQUIPMENT		1		1,077	
		TOTAL FUNDING	AGS	18,297	A	4,073	A
			AGS		C		5,476C
UOH331		**- INSTRUCTION-WINDWARD COMMUNITY COLLEGE**					
170A		W-050 WCC NEW CAMPUS DEVELOPMENT, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		DESIGN FOR NEW FACILITIES INCLUDING SITE WORK, UTILITIES AND BUILDINGS AND RENOVATIONS TO EXISTING FACILITIES (INCLUDING LOKAI BUILDING).					
		DESIGN				820	
		TOTAL FUNDING	AGS		A	820	A
UOH501		**- INSTRUCTION-MAUI COMMUNITY COLLEGE**					
171.	M12	MAUI CC - RENOVATION OF FOOD SERVICES FACILITIES, MAUI					
		DESIGN, CONSTRUCTION, FURNITURE AND EQUIPMENT FOR THE CONVERSION OF THE SNACK BAR INTO A RESTAURANT; WALK-IN COOLER/FREEZER AREA TO EXPANDED KITCHEN SPACE; THE CAFETERIA AREA INTO INCREASED SPACE INTO THE RESTAURANT AND KITCHEN; AND EATING AREA TO CLASSROOMS AND MEETING ROOMS.					
		DESIGN		83			
		CONSTRUCTION		732			
		EQUIPMENT		120			
		TOTAL FUNDING	AGS	935	C		C
172.	M010	MCC, NEW GENERAL CLASSROOM AND AGRICULTURAL FACILITIES, MAUI					
		DESIGN, CONSTRUCTION, FURNITURE, AND EQUIPMENT TO PROVIDE LABORATORIES, CLASSROOMS, OFFICE AND SUPPORT SPACES FOR THE AGRICULTURAL PROGRAM.					
		DESIGN		26		82	
		CONSTRUCTION		1,217		678	
		EQUIPMENT		171			
		TOTAL FUNDING	AGS	1,414	A	760	A
172A.	M-100	MAUI CC - NEW CAMPUS DEVELOPMENT, MAUI					
		DESIGN FOR NEW FACILITIES INCLUDING SITE WORK, UTILITIES AND BUILDINGS AND RENOVATIONS TO EXISTING FACILITIES.					
		DESIGN				1,576	
		TOTAL FUNDING	AGS		A	1,576	A
172B.		MCC, WATER SYSTEM FOR FIRE PROTECTION, MAUI					
		DESIGN AND CONSTRUCTION FOR INSTALLING WATER MAINS AND FIRE HYDRANTS TO PROVIDE FIRE PROTECTION FOR THE CAMPUS. (PHASES II, III & IV)					
		DESIGN				52	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		CONSTRUCTION				699	
		TOTAL FUNDING	AGS		A	751	A
172C		MCC, MINOR CIP, MAUI					
		DESIGN, CONSTRUCTION, FURNITURE AND EQUIPMENT FOR MINOR IMPROVEMENTS, INCLUDING NEW CONSTRUCTION AND RENOVATION OF EXISTING FACILITIES INCLUDING SITE WORK, UTILITIES, BUILDINGS, LANDSCAPING, ROADWAYS AND UTILITIES					
		DESIGN				67	
		CONSTRUCTION				347	
		EQUIPMENT				1	
		TOTAL FUNDING	AGS		A	415	A
UOH605		**- INSTITUTIONAL SUPPORT - KAUAI CC**					
173		K52 KAUAI COMMUNITY COLLEGE - COMMUNITY THEATRE, KAUAI					
		DESIGN, CONSTRUCTION, FURNITURE, AND EQUIPMENT FOR A PERFORMING ARTS THEATRE					
		DESIGN		139			
		CONSTRUCTION		1,360		1,000	
		EQUIPMENT		1		500	
		TOTAL FUNDING	AGS	1,500	A	1,500	A
173A		KAUAI COMMUNITY COLLEGE TRAFFIC					
		IMPROVEMENTS KAUAI					
		DESIGN AND CONSTRUCTION FOR TRAFFIC IMPROVEMENT INCLUDING TRAFFIC LIGHTS					
		DESIGN				25	
		CONSTRUCTION				125	
		TOTAL FUNDING	AGS		A	150	A
UOH706		**- INSTITUTIONAL SUPPORT-WEST OAHU COLLEGE**					
174		WEST OAHU COLLEGE MASTER PLAN					
		FUNDS FOR A MASTER PLAN FOR WEST OAHU COLLEGE					
		PLANS		200			
		TOTAL FUNDING	AGS	200	A		A
UOH906		**- COMMUNITY COLLEGE SYSTEMWIDE SUPPORT**					
175		C-01 COMMUNITY COLLEGES SYSTEM REPLACEMENT OF PCB TRANSFORMERS					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN AND CONSTRUCTION TO REMOVE AND DISPOSE OF ELECTRICAL TRANSFORMERS AND OTHER EQUIPMENT CONTAINING PCB AND REPLACING WITH NON-PCB EQUIPMENT.					
		DESIGN		36			
		CONSTRUCTION		374			
		TOTAL FUNDING	AGS	410C			C
176.		C-03 COMM. COLL. SYS.-REMOVAL, ENCAPSULATION AND ENCLOSURE OF ASBESTOS MATERIALS					
		DESIGN AND CONSTRUCTION TO RENOVATE COMMUNITY COLLEGE BUILDING TO REMOVE, ENCAPSULATE AND/OR ENCLOSE ASBESTOS.					
		PLANS		100			
		DESIGN		117			
		CONSTRUCTION		1,053			
		TOTAL FUNDING	AGS	1,270C			C
		H. CULTURE AND RECREATION					
		CCA701 - HAWAII PUBLIC BROADCASTING					
1.		HPBA05 HPBA STATEWIDE INTERACTIVE, CLOSED CIRCUIT EDUCATIONAL TELEVISION SYSTEM					
		LAND ACQUISITION, DESIGN, CONSTRUCTION AND EQUIPMENT FOR AN HPBA STATEWIDE, INTERACTIVE, CLOSED CIRCUIT, EDUCATIONAL TELEVISION SYSTEM USING "INSTRUCTIONAL TELEVISION FIXED SERVICE" (ITFS) FREQUENCIES RESERVED FOR EDUCATIONAL USE BY THE FEDERAL COMMUNICATIONS COMMISSION.					
		LAND		10		150	
		DESIGN		155		15	
		CONSTRUCTION		1,135		100	
		EQUIPMENT		100			
		TOTAL FUNDING	AGS	1,400C		265C	
		AGS881 - PERFORMING & VISUAL ARTS EVENTS					
1A.		HAWAII THEATRE CENTER, OAHU					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE RENOVATIONS OF THE HAWAII THEATRE CENTER. (GRANT-IN-AID)					
		DESIGN				1	
		CONSTRUCTION				1,998	
		EQUIPMENT				1	
		TOTAL FUNDING	AGS		A	2,000A	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
1B		HONOLULU ACADEMY OF ARTS, OAHU					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE RENOVATIONS OF THE HONOLULU ACADEMY OF ARTS AT THE OLD LINEKONA SCHOOL (GRANT-IN-AID)					
		DESIGN				1	
		CONSTRUCTION				998	
		EQUIPMENT				1	
		TOTAL FUNDING	AGS		A	1,000	A
1C		WAIPAHU CULTURAL GARDEN PARK, OAHU					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE PLANTATION VILLAGE AT THE WAIPAHU CULTURAL GARDEN PARK (GRANT-IN-AID)					
		DESIGN				1	
		CONSTRUCTION				498	
		EQUIPMENT				1	
		TOTAL FUNDING	AGS		A	500	A
1D		JAPANESE CULTURAL CENTER, OAHU					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE JAPANESE CULTURAL CENTER TO BE EXPENDED BY JAPANESE CULTURAL CENTER OF HAWAII (GRANT-IN-AID)					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				2,197	
		EQUIPMENT				1	
		TOTAL FUNDING	AGS		A	2,200	A
LNR804		**- FOREST RECREATION**					
2		D-58 FOREST TRAIL AND CABIN KAHIKINUI, MAUI					
		PLANS, DESIGN AND CONSTRUCTION OF 7.0 MILES OF TRAIL AND ONE TRAIL CABIN WITHIN THE CENTRAL KAHIKINUI FOREST RESERVE					
		PLANS				2	
		DESIGN				4	
		CONSTRUCTION				82	
		TOTAL FUNDING	LNR		C	88	C
3		D02K FOREST TRAILS, KAUAI					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		PLANS, DESIGN AND CONSTRUCTION OF TRAILS ON AN INCREMENTAL BASIS. TRAILS ARE AT LEAST THREE FEET WIDE AND CLEARED FOR EASY ACCESS. TRAILS PROVIDE: REMOTE OUTDOOR RECREATION OPPORTUNITIES, ACCESS FOR CONTROL OF FIRE AND PESTS, ROUTE FOR RESCUE OPERATIONS, ETC.					
		PLANS		4			
		DESIGN		14			
		CONSTRUCTION		146			
		TOTAL FUNDING	LNR	164C			C
4.		D-03K FOREST SHELTERS					
		DESIGN AND CONSTRUCTION TO DEVELOP SECLUDED SITES TO PROVIDE A PLACE FOR WILDERNESS PICNICKING, RESTING, AND CAMPING. MAY INCLUDE ANY OF THE FOLLOWING: TRAIL SHELTER UNITS WITH TABLE OR COMFORT STATIONS, ETC.					
		DESIGN					4
		CONSTRUCTION					32
		TOTAL FUNDING	LNR		C		36C
LNR806		**- HERITAGE & RECREATION PARKS**					
5.		F11 IOLANI PALACE RESTORATION, OAHU					
		DESIGN AND CONSTRUCTION FOR MAJOR RECONSTRUCTION OF PALACE ROOF, REPLACEMENT OF AIR CONDITIONING COOLING TOWER AND CONTROL SYSTEM AND OTHER MAJOR REPAIR OF REPLACEMENT WORK.					
		DESIGN		60			60
		CONSTRUCTION		500			500
		TOTAL FUNDING	LNR	560A			560A
6.		F15 ROYAL MAUSOLEUM - NUUANU PETROGLYPHS, OAHU					
		PLANS AND DESIGN FOR RESEARCH OF SITE; TO INCLUDE: INTERPRETATIVE VALUES, RESTORATION OF CRYPT, LANDSCAPING, REPLACEMENT OF CARETAKERS HOUSE AND RESTROOMS, IMPROVEMENTS OF LANDSCAPING AND DRIVEWAY. TO BE FOLLOWED BY ADDITIONAL DEVELOPMENT ALONG NUUANU STREAM.					
		DESIGN					20
		TOTAL FUNDING	LNR		C		20C
7.		F23 PUU 0 MAHUKA HEIAU, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO	CAPITAL NO	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		LAND ACQUISITION TO INCLUDE ALL ARCHAEOLOGICAL FEATURES AND MAINTAIN THE INTEGRITY OF THE SITE PLANNING RESEARCH DEVELOPMENTS OF AN INTERPRETATIVE PROGRAM AND ASSOCIATED WALKWAYS AND LANDSCAPING					
		LAND		300			
		TOTAL FUNDING	LNR	300C			C
8	F27	HEEIA STATE PARK OAHU					
		DESIGN AND CONSTRUCTION FOR THE DEVELOPMENT OF MATSON POINT AS A MAJOR PARK AND EDUCATIONAL/ CULTURAL CENTER THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT					
		DESIGN		25			
		CONSTRUCTION				200	
		TOTAL FUNDING	LNR	25C		200C	
9	F46	KOKEE WAIMEA CANYON COMPLEX KAUAI					
		CONSTRUCTION OF CONTINUED PARK DEVELOPMENT AND REPLACEMENT OF OLDER FACILITIES MASTER PLAN FOR THE IMPROVEMENT AND MANAGEMENT OF THE PARK AND THE ADDITION OF INTERPRETIVE FACILITIES					
		CONSTRUCTION		300			
		TOTAL FUNDING	LNR	300C			C
10	F57	KAHANA VALLEY STATE PARK OAHU					
		PLANS DESIGN AND CONSTRUCTION FOR THE INCREMENTAL DEVELOPMENT OF THE PARK INCLUDING THE DEVELOPMENT OF A LIVING PARK WITH VALLEY RESIDENTS PLAN AND RESEARCH IN COOPERATION WITH THE KAHANA ADVISORY COUNCIL AND OTHERS					
		PLANS		50			
		DESIGN		50		30	
		CONSTRUCTION				300	
		TOTAL FUNDING	LNR	100C		330C	
11	F67	POLI POLI SPRINGS STATE RECREATION AREA MAUI					
		PLANS DESIGN AND DEVELOPMENT TO ENLARGE THIS MOUNTAIN PARK AND RENOVATE SOME EXISTING FACILITIES					
		PLANS		30			
		DESIGN				25	
		TOTAL FUNDING	LNR	30C		25C	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
12.	F69	MANUKA STATE WAYSIDE, HAWAII					
		CONSTRUCTION FOR THE IMPROVEMENT OF EXISTING PARK, PLANNING AND DEVELOPMENT OF AN INTERPRETIVE PLAN AND MANAGEMENT PLAN AND DEVELOPMENT OF ANY ASSOCIATED FACILITIES.					
		CONSTRUCTION				200	
		TOTAL FUNDING	LNR		C	200	C
13.	F70	SAND ISLAND STATE RECREATION AREA, 0AHU					
		DESIGN AND CONSTRUCTION FOR THE INCREMENTAL DEVELOPMENT OF BEACH PARK. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.					
		DESIGN		50			
		CONSTRUCTION		500			
		TOTAL FUNDING	LNR	550	C		C
14.	F73	MAKENA-LAPEROUSE STATE PARK, MAUI					
		PLANS AND CONSTRUCTION FOR THE INCREMENTAL ACQUISITION OF LAND AS PER CONCEPTUAL PLAN AND INCREMENTAL DEVELOPMENT AS DETERMINED BY DEVELOPMENT PLAN. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.					
		PLANS				75	
		CONSTRUCTION				300	
		TOTAL FUNDING	LNR		C	375	C
15.	F82	WAIMEA PIER, KAUAI					
		LAND ACQUISITION FOR THE DEVELOPMENT OF ONSHORE PARK FACILITIES TO SERVICE VISITORS TO WAIMEA PIER WHICH HAS BEEN RECONSTRUCTED AS A FISHING PIER. THE PROJECT INCLUDES ACQUISITION OF AN ADJOINING PARCEL OF LAND.					
		LAND		200			
		TOTAL FUNDING	LNR	200	C		C
15A.		KOKEE-WAIMEA CANYON COMPLEX, KAUAI					
		DESIGN AND CONSTRUCTION OF A SEWAGE TREATMENT PLANT TO ELIMINATE THE HEALTH HAZARD CAUSED BY THE OVERFLOWING SEWAGE FROM THE KOKEE LODGE FACILITIES.					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN				90	
		CONSTRUCTION				600	
		TOTAL FUNDING	LNR		A	690A	
16	H83	AIEA BAY OAHU					
		DESIGN FOR THE INCREMENTAL ACQUISITION AND DEVELOPMENT OF AN AIEA BAY PARK INTO "RAINBOW BAY, A KOKUA CONCEPT" AS REQUESTED BY THE PEARL HARBOR TASK FORCE MAXIMUM OF 40 ACRES AVAILABLE THIS PROJECT DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT						
		DESIGN		40			
		TOTAL FUNDING	LNR	40C			C
17	H80	HANALEI RECREATIONAL PIER, HANALEI, KAUAI					
		RECONSTRUCTION OF HANALEI RECREATIONAL PIER					
		CONSTRUCTION		400			
		TOTAL FUNDING	LNR	400C			C
18	F75	HAPUNA BEACH PARK, HAWAII					
		LAND ACQUISITION OF WAILEA BAY AREA, AS PER MASTER PLAN					
		LAND		500			
		TOTAL FUNDING	LNR	500A			A
19	H88	MALAMA BEACH PARK MASTER PLAN, KAUNAKAKAI, MOLOKAI					
		MASTER PLAN FOR A MULTI-PURPOSE STATE BEACH PARK WITH BOTH PASSIVE AND ACTIVE AREAS AT MALAMA BEACH PARK MOLOKAI					
		PLANS		200			
		TOTAL FUNDING	LNR	200A			A
20	H68	MAKAPUU POINT, OAHU					
		PLANS FOR A SHORELINE PARK FROM HANAUMA BAY TO MAKAPUU POINT, MAKAI OF KALANIANAOLE HIGHWAY INCREMENTAL DEVELOPMENT OF 40+ EXISTING ACRES AT MAKAPUU POINT					
		PLANS		250			
		TOTAL FUNDING	LNR	250A			A
TRN801	**- OCEAN-BASED RECREATION**						
21	01S	STATEWIDE IMPROVEMENTS TO BOATING FACILITIES					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO	CAPITAL NO	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO EXISTING BOAT HARBORS AND BOAT REFUGE AREAS					
		DESIGN			10		
		CONSTRUCTION			100		
		TOTAL FUNDING	TRN		110D		D
22		02M MAALAEA BOAT HARBOR IMPROVEMENTS MAUI					
		DESIGN AND CONSTRUCTION FOR MODIFICATION AND IMPROVEMENTS TO MAALAEA BOAT HARBOR INCLUDING DREDGING NEW ENTRANTS CHANNEL ACCESS CHANNEL BERTHING AREA CONSTRUCTION OF PROTECTIVE STRUCTURES FILL REVETMENT AND OTHER IMPROVEMENTS THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND OR REIMBURSEMENT					
		DESIGN			50		
		CONSTRUCTION			9 130		
		TOTAL FUNDING	TRN		3 550C		C
			TRN		5 630N		N
23		03S STATEWIDE BOAT LAUNCHING FACILITY PROGRAM					
		DESIGN AND CONSTRUCTION TO IMPROVE BOAT LAUNCHING FACILITIES THROUGHOUT THE STATE AT EXISTING AND NEW SITES THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND OR REIMBURSEMENT					
		DESIGN			50		240
		CONSTRUCTION					350
		TOTAL FUNDING	TRN		50C		590C
24		05S STATEWIDE PLANNING FOR BOATING FACILITIES					
		PLANS FOR CONTINUING STUDIES RESEARCH AND ADVANCED PLANNING OF BOAT HARBORS ON ALL ISLANDS					
		PLANS			75		
		TOTAL FUNDING	TRN		75B		B
25		19H HONOKOHAU BOAT HARBOR IMPROVEMENTS HAWAII					
		DESIGN CONSTRUCTION BERTHS DEVELOP MARITIME INDUSTRIAL SUB DIVISIONS CONSTRUCT ADMINISTRATION BUILDING AND OTHER IMPROVEMENTS					
		DESIGN			350		
		CONSTRUCTION			800		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		TOTAL FUNDING	TRN	1,150A			A
26	30O	KEEHI LAGOON IMPROVEMENTS, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION TO INSTALL BOAT MOORING SYSTEM, PREPARATION OF PLANS AND ENVIRONMENTAL IMPACT STATEMENT AND OTHER IMPROVEMENTS					
		PLANS		200			
		DESIGN		75			
		CONSTRUCTION		500			
		TOTAL FUNDING	TRN	775A			A
27	02S	STATEWIDE SEWAGE SYSTEM IMPROVEMENTS TO BOATING FACILITIES					
		DESIGN AND CONSTRUCTION OF SEWAGE SYSTEM FOR HEEIA KEA BOAT HARBOR AND THE KIKIAOLA BOAT HARBOR COMFORT STATION					
		DESIGN		90			
		CONSTRUCTION		90			
		TOTAL FUNDING	TRN	180A			A
28	010	KEEHI SMALL BOAT HARBOR OAHU					
		DESIGN AND CONSTRUCTION FOR THE INSTALLATION OF ELECTRICAL OUTLETS CORRECT SUBSIDENCE, PAVE PARKING AREAS, AND OTHER IMPROVEMENTS					
		DESIGN		50			
		CONSTRUCTION		500			
		TOTAL FUNDING	TRN	550A			A
29	20O	HEEIA KEA SMALL BOAT HARBOR IMPROVEMENTS OAHU					
		PLANS DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO HEEIA KEA SMALL BOAT HARBOR INCLUDING THE REPAIR OF EXISTING LAUNCHING RAMPS, CONSTRUCTION OF AN ADDITIONAL LAUNCHING RAMP INCLUDING A LOADING DOCK RENOVATION OF COMFORT STATIONS INCLUDING A NEW SEWER LINE AND THE CONSTRUCTION OF A MARGINAL WHARF					
		PLANS		1			
		DESIGN		35			
		CONSTRUCTION		464			
		TOTAL FUNDING	TRN	500A			A
30	22M	MISCELLANEOUS IMPROVEMENTS AT KAHULUI BOAT RAMP, MAUI					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		CONSTRUCTION FOR THE MISCELLANEOUS IMPROVEMENTS AT KAHULUI BOAT HARBOR.					
		CONSTRUCTION		50			
		TOTAL FUNDING	TRN	50A			A
31.	11K	WAIKAEA SMALL BOATING HARBOR, KAUAI					
		PLANS, DESIGN AND CONSTRUCTION FOR ADDITIONAL RAMP LANE, BOAT TRAILER PARKING AREA AND LIGHTING FACILITIES.					
		PLANS		10			
		DESIGN		25			
		CONSTRUCTION		215			
		TOTAL FUNDING	TRN	250A			A
AGS889	**- SPECTATOR EVENTS & SHOWS - ALOHA STADIUM**						
32.	C14	ALOHA STAD-RENOVATE OR REPLACE PARKING LIGHT FIXTURES; REPLACE TRANSFORMERS					
		DESIGN AND CONSTRUCTION TO REPLACE THE PARKING LOT LIGHT STANDARDS AND LUMINAIRES AND RETROFILL/ REPLACE THE SEVEN ELECTRICAL TRANSFORMERS AND CAPACITORS AT THE STADIUM.					
		DESIGN		70			
		CONSTRUCTION		600			
		TOTAL FUNDING	AGS	670C			C
33.	C18A	ALOHA STADIUM-CORROSION PROTECTION OF STRUCTURAL BRACINGS, PHASE 1, OAHU					
		DESIGN AND CONSTRUCTION TO REFURBISH THE STRUCTURAL STEEL BRACINGS AND OTHER WEATHERING STEEL MEMBERS ABOVE THE LOWER CONCOURSE; THE WEATHERING STEEL WILL BE CLEANED, REPAIRED, AND PAINTED WITH A SPECIAL PROTECTIVE COATING. THIS PHASE WILL WORK ON THE MAUKA-SIDE OF THE STADIUM.					
		DESIGN		180			
		CONSTRUCTION				3,000	
		TOTAL FUNDING	AGS	180C		3,000C	
34.	C69A	ALOHA STADIUM-RENOVATION OF UPPER CONCOURSE BLEACHERS, PHASE I, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN AND CONSTRUCTION TO REPAIR AND PROTECT THE UNDERSIDE OF THE UPPER CONCOURSE BLEACHERS AND CONNECTING AREAS THIS IS THE FIRST PHASE OF THE REQUIRED WORK					
		DESIGN		170			
		CONSTRUCTION		2,850			
		TOTAL FUNDING	AGS	3,020C			C
35	C69B	ALOHA STADIUM-RENOVATION OF UPPER CONCOURSE BLEACHERS, PHASE II, OAHU					
		DESIGN AND CONSTRUCTION TO REPAIR AND PROTECT THE UNDERSIDE OF THE UPPER CONCOURSE BLEACHERS AND CONNECTING AREAS THIS IS THE SECOND PHASE OF THE REQUIRED WORK					
		DESIGN				80	
		CONSTRUCTION				1,900	
		TOTAL FUNDING	AGS		C	1,980C	
35A	S100	ALOHA STADIUM - RENOVATE NORTH FIXED SECTION, OAHU					
		DESIGN AND CONSTRUCTION TO REPAIR THE CORRODED CONDITIONS AND TO RENOVATE DEFICIENCIES WITHIN THE STADIUM FACILITY INCLUDING THE REMOVAL OF ASBESTOS MATERIALS AND OTHER IMPROVEMENTS FOR THE SCOREBOARD, SIGNAGE AND COMMUNICATION					
		DESIGN				100	
		CONSTRUCTION				5,500	
		TOTAL FUNDING	AGS		C	5,600C	
36		IMPROVEMENTS TO ARTIFICIAL PLAYING SURFACE, ALOHA STADIUM, OAHU					
		DESIGN AND CONSTRUCTION FOR REPLACEMENT OR REPAIRS TO ARTIFICIAL PLAYING SURFACE, PAD, WARNING TRACK, SUPPORTING FOUNDATION AND OTHER RELATED IMPROVEMENTS					
		DESIGN		200			
		CONSTRUCTION		1,800			
		TOTAL FUNDING	AGS	2,000A			A
36A		ALOHA STADIUM COMPLEX MASTER PLAN, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		PLANS FOR THE DEVELOPMENT OF A SPORTS COMPLEX AT THE ALOHA STADIUM SITE TO INCLUDE FUTURE PUBLIC SPORTS REQUIREMENTS, MARKET POTENTIAL AND NEEDS, FACILITIES AND SITE DEVELOPMENT INCLUDING ADJACENT LANDS, AND ALTERNATIVE FINANCING PLANS AND ASSESSMENTS.					
		PLANS				500	
		TOTAL FUNDING	AGS		C	500	C
37.		LOCKER ROOM AND ADMINISTRATIVE LEVELS RENOVATIONS, ALOHA STADIUM, OAHU					
		DESIGN AND CONSTRUCTION FOR RENOVATION OF LOCKER, HOSPITALITY, ARCHIVES, AND VISITOR CENTER ROOMS AND OTHER RELATED IMPROVEMENTS.					
		DESIGN		150			
		CONSTRUCTION		850			
		TOTAL FUNDING	AGS	1,000	A		A
37A.		ALOHA STADIUM - SCOREBOARD RENOVATIONS, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR THE RENOVATIONS OR REPLACEMENT OF THE SCOREBOARD AND RELATED COMPUTERIZED OPERATING SYSTEM INCLUDING IMPROVEMENTS AND RENOVATIONS.					
		DESIGN				100	
		CONSTRUCTION				900	
		EQUIPMENT				1,000	
		TOTAL FUNDING	AGS		C	2,000	C
LNR809		**- GENERAL ADMIN FOR CULTURE & RECREATION**					
38.		F04 HILO BASEYARD, HAWAII					
		DESIGN AND CONSTRUCTION FOR STATE PARK'S OFFICE AND STORAGE FACILITIES WITHIN A DEPARTMENT WAREHOUSE.					
		DESIGN		20			
		CONSTRUCTION				175	
		TOTAL FUNDING	LNR	20	C	175	C
39.		F05 SCORP (STATE COMPREHENSIVE OUTDOOR RECREATION PLAN)					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO	CAPITAL NO	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		CONTINUOUS UPDATING OF THE STATE COMPREHENSIVE OUTDOOR RECREATION PLAN TO QUALIFY FOR FEDERAL GRANTS UNDER THE LAND AND WATER CONSERVATION FUND AND TO REFINE AND IMPLEMENT THE GOALS OBJECTIVES AND POLICIES OF THE HAWAII PLAN AS PROVIDED IN CHAPTER 226 HAWAII REVISED STATUTES THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING OR REIMBURSEMENT					
		PLANS				100	
		TOTAL FUNDING	LNR		C		50C
			LNR		N		50N
40	H09	STATEWIDE LANDSCAPING AND PARK IMPROVEMENTS					
		DESIGN AND CONSTRUCTION OF MINOR ADDITIONS RENOVATIONS AND REPLACEMENTS TO PARK GROUNDS AND FACILITIES					
		DESIGN		80		40	
		CONSTRUCTION		210		250	
		TOTAL FUNDING	LNR	40A			40A
			LNR	250C			250C
41	P10019	STATE LAW ENFORCEMENT FIREARMS TRAINING FACILITY OAHU					
		PLANS DESIGN LAND ACQUISITION CONSTRUCTION AND EQUIPMENT TO BUILD A STATE FIREARMS TRAINING FACILITY INCLUDING A SHOOTING RANGE FOR STATE LAW ENFORCEMENT AGENCIES ON OAHU					
		PLANS		1			
		LAND		1			
		DESIGN		47			
		CONSTRUCTION		100			
		EQUIPMENT		1			
		TOTAL FUNDING	LNR	150A			A
I PUBLIC SAFETY							
DOC406 - MAUI COMMUNITY CORRECTIONAL CENTER							
1		MAUI COMMUNITY CORRECTIONAL CENTER MAUI					
		DESIGN AND CONSTRUCTION FOR RENOVATION OF EXISTING COMPLEX FACILITIES AND CONSTRUCTION OF NEW STRUCTURES AND SITE IMPROVEMENTS					
		DESIGN		15			
		CONSTRUCTION		110			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		TOTAL FUNDING	DOC	125	A		A
1A.		MAUI COMMUNITY CORRECTIONAL CENTER - EXPANSION/RENOVATION PROJECT, MAUI					
		DESIGN AND CONSTRUCTION FOR NEW FACILITIES AND TO RELATED SUPPORT ELEMENTS AND RENOVATE EXISTING ONES THROUGHOUT THE COMPLEX AND ANY SATELLITE ADJUNCTS.					
		DESIGN				400	
		CONSTRUCTION				11,300	
		TOTAL FUNDING	AGS		A	11,700	A
DOC407		**- OAHU COMMUNITY CORRECTIONAL CENTER**					
2.		407901 OAHU COMMUNITY CORRECTIONAL CENTER EXPANSION/RENOVATION PROJECT, OAHU					
		PLAN, DESIGN, CONSTRUCT AND EQUIP NEW STRUCTURES AND SITE IMPROVEMENTS & RENOVATE EXISTING ONES THROUGHOUT THE FACILITY COMPLEX AND ITS SATELLITE ADJUNCTS.					
		DESIGN		1,035			
		CONSTRUCTION		42,000			
		EQUIPMENT		1			
		TOTAL FUNDING	AGS	43,036	A		A
DOC402		**- HALAWA CORRECTIONAL FACILITY**					
2A.		402906 HALAWA MEDIUM SECURITY FACILITY SUPPORT IMPROVEMENTS PROJECT, OAHU					
		DESIGN VARIOUS PROGRAM OPERATIONAL AND ADMINISTRATIVE SUPPORT FUNCTIONS THROUGHOUT THE FACILITY COMPLEX AND ITS SATELLITE ADJUNCTS.					
		DESIGN				265	
		TOTAL FUNDING	AGS		A	265	A
DOC403		**- KULANI CORRECTIONAL FACILITY**					
3.		IMPROVEMENTS TO KULANI CORRECTIONAL FACILITY, HAWAII					
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS, ALTERATIONS AND RENOVATIONS OF SUPPORT AND INFRASTRUCTURE FACILITIES THROUGHOUT THE FACILITY COMPLEX TO CONFORM TO CURRENT HEALTH, SAFETY, AND SANITATION REQUIREMENTS.					
		CONSTRUCTION		978		1,815	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO	CAPITAL NO	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		TOTAL FUNDING	AGS	978A		1 815A	
DOC409	**- WOMEN'S COMMUNITY CORRECTIONAL CENTER**						
4	409902	WOMEN S COMMUNITY CORRECTIONAL CENTER EXPANSION RENOVATION PROJECT OAHU					
		PLAN DESIGN CONSTRUCT AND EQUIP NEW STRUCTURES & SITE IMPROVEMENTS & RENOVATE EXISTING ONES THROUGHOUT THE FACILITY COMPLEX AND ITS SATELLITE ADJUNCTS					
		DESIGN		350			
		CONSTRUCTION		21 000			
		EQUIPMENT		1			
		TOTAL FUNDING	AGS	21 351A			A
DOC903	**- GENERAL ADMINISTRATION**						
5	903904	DOC STATEWIDE HEALTH & SAFETY RENOVATIONS PROJECT					
		PLAN DESIGN CONSTRUCT AND EQUIPMENT FOR IMPROVEMENTS ADDITIONS & RENOVATIONS TO ALL CORRECTIONAL FACILITIES STATEWIDE TO CONFORM TO CURRENT HEALTH SAFETY AND SANITATION REQUIREMENTS					
		PLANS		65			
		DESIGN		95			
		CONSTRUCTION		1 300			
		EQUIPMENT		40			
		TOTAL FUNDING	AGS	1 500A			A
5A		DEPARTMENT OF CORRECTIONS MASTER PLAN STATEWIDE					
		PLANS FOR A STATEWIDE FACILITIES MASTER PLAN TO PROVIDE ORDERLY CORRECTIONAL DEVELOPMENT					
		PLANS				250	
		TOTAL FUNDING	AGS		A	250A	
5B		DEPARTMENT OF CORRECTIONS GENERAL ADMIN STATEWIDE ACBM REMOVAL PROJECT					
		DESIGN FOR RENOVATIONS AT ALL CORRECTIONAL COMPLEXES STATEWIDE TO REMOVE ALL ASBESTOS CONTAINING BUILDING MATERIALS (ACBM) FOUND THEREIN AND REPLACE WITH ACCEPTABLE SUBSTITUTE BUILDING MATERIALS					
		DESIGN				130	
		TOTAL FUNDING	AGS		A	130A	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
LNR810	- PREVENTION OF NATURAL DISASTERS						
6.	G2752A	DRAINAGEWAYS FLOOD HAZARD ASSESSMENT STUDY, STATEWIDE					
		STUDY AND ASSESS FLOOD HAZARD DRAINAGEWAYS AT VARIOUS LOCATIONS.					
		PLANS				50	
		TOTAL FUNDING	LNR		C	50	C
7.	G8309M	KAHAWAI STREAM IMPROVEMENTS, OAHU					
		PLANS, LAND ACQUISITION AND DESIGN TO CONSTRUCT IMPROVEMENTS TO KAHAWAI STREAM.					
		PLANS		50			
		LAND		1			
		DESIGN		60			
		TOTAL FUNDING	LNR	111	C		C
8.	G8309N	KAUKONAHUA STREAM IMPROVEMENTS, OAHU					
		PLANS, LAND ACQUISITION AND DESIGN TO CONSTRUCT IMPROVEMENTS TO KAUKONAHUA STREAM.					
		PLANS		50			
		LAND		1			
		DESIGN		30			
		TOTAL FUNDING	LNR	81	C		C
8A.		KUHIO HIGHWAY- HANALEI DRAINAGE IMPROVEMENTS, KAUAI					
		PLANS FOR THE IMPROVEMENTS, INCLUDING APPURTENANT DRAINAGE, LANDSCAPING AND OTHER IMPROVEMENTS TO SHOULDER UP AND IMPROVE AREAS ALONGSIDE KUHIO HIGHWAY IN THE HANALEI DISTRICT.					
		PLANS				100	
		TOTAL FUNDING	LNR		C	100	C
DEF110	- AMELIORATION OF PHYSICAL DISASTERS						
9.	A25	WAHIAWA ARMY NATIONAL GUARD ARMORY ADDITION, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN AND CONSTRUCTION OF AN ADDITION TO AN UPGRADING OF THE EXISTING WAHIAWA ARMORY. ADDITION WILL BE OF PERMANENT MASONRY CONSTRUCTION, INCLUDING ALL UTILITIES, ACCESS ROAD, PARKING AREAS, FENCING, AND OTHER SUPPORTING FEATURES REQUIRED TO COMPLETE THE FACILITY FOR OCCUPANCY. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT					
		DESIGN		50			
		CONSTRUCTION				1,137	
		TOTAL FUNDING	AGS		C	377	C
			AGS	50	N	760	N
10	C12	UPGRADE OF DISASTER WARNING AND COMMUNICATION DEVICES, STATEWIDE					
		INCREMENTAL UPGRADE OF CIVIL DEFENSE DISASTER WARNING AND COMMUNICATIONS DEVICES STATEWIDE DUE TO INADEQUATE WARNING COVERAGE OF MANY EXISTING 20+ YEAR OLD DEVICES. THIS IS A CONTINUING PROGRAM FROM YEAR TO YEAR RENOVATION AND/OR UPGRADE OF DAMAGED DEVICES FROM NATURAL AND/OR MAN-MADE DISASTERS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT					
		PLANS		1			
		LAND		1			
		DESIGN		38			
		CONSTRUCTION		223			
		EQUIPMENT		160			
		TOTAL FUNDING	AGS	323	C		C
			AGS	100	N		N
11	C-23	INSTALLATION OF 300 KW STANDBY GENERATOR, STATE EOC, OAHU					
		A 300 KW STANDBY GENERATOR IS TO BE ADDED TO AUGMENT THE EXISTING KW GENERATOR WHICH IS APPROACHING CRISIS POINT OF EXCEEDING MAXIMUM POWER OUTPUT CAPABILITY. PROJECT INCLUDES TWO AUTOMATIC TRANSFER UNITS, CONCRETE PAD, AIR COOLED RADIATOR, ENCLOSURE, AND OTHER RETROFITTING COSTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT					
		PLANS				1	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		LAND					1
		DESIGN					23
		CONSTRUCTION					275
		TOTAL FUNDING	AGS		C		300C

J. INDIVIDUAL RIGHTS

AGR812 - MEASUREMENT STANDARDS

1. A-027 MEASUREMENT STANDARDS-
DEPARTMENT OF AGRICULTURE
HEAVY VEHICLE PARKING AREA

CONSTRUCT PARKING AND STORAGE AREA ALONGSIDE EXISTING MEASUREMENT STANDARDS BLDG. PAVED AREA SIZE IS APPROXIMATELY 35 FEET BY 141 FEET. PAVEMENT MUST BE ABLE TO SUPPORT 50,000 LB GVW TEST WEIGHT TRUCK. DRIVEWAY INTERFACE TO ILALO STREET TO BE INCLUDED. PAVED AREA TO BE COVERED WITH ROOF TO PROTECT VEHICLES AND EQUIPMENT FROM WEATHER. PROVIDE SECURITY FENCING AROUND COMPLEX.

	CONSTRUCTION		400	
	TOTAL FUNDING	AGS	400A	A

2. A-042 NEW MEASUREMENT STANDARDS
AND PLANT QUARANTINE
FACILITIES. OAHU

PLANS, DESIGN AND CONSTRUCTION OF A NEW MEASUREMENT STANDARDS FACILITY AND A NEW PLANT QUARANTINE FACILITY ON OAHU TO INCLUDE BUT NOT BE LIMITED TO THE EXISTING MEASUREMENT STANDARDS AND PLANT QUARANTINE FACILITIES.

	PLANS		200	
	DESIGN		383	
	TOTAL FUNDING	AGR	583A	A

K. GOVERNMENT-WIDE SUPPORT

GOV100 - OFFICE OF THE GOVERNOR

1. GO1 PROJECT ADJUSTMENT FUND

DESIGN TO ESTABLISH A CONTINGENCY FUND FOR PROJECT ADJUSTMENT PURPOSES SUBJECT TO THE PROVISIONS OF THE APPROPRIATIONS ACT. (TO BE EXPENDED BY THE OFFICE OF THE GOVERNOR)

	DESIGN		6,000	
	TOTAL FUNDING	GOV	3,000A	A
		GOV	3,000C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
2		GOVERNMENT HOUSE, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR RENOVATIONS OF HIMAG FOR DEVELOPMENT INTO A GOVERNMENT HOUSE					
		PLANS		25			
		DESIGN		75			
		CONSTRUCTION		900			
		TOTAL FUNDING	AGS	1,000	A		A
GOV103		**- STATEWIDE PLAN AND COORDINATION**					
3		G03 WATERFRONT IMPROVEMENT PROJECT, OAHU					
		PLANS, LAND, DESIGN AND CONSTRUCTION FOR VARIOUS WATERFRONT PROJECTS, INCLUDING BUT NOT LIMITED TO ALA MOANA PARK EXPANSION, VARIOUS PIER REHABILITATION AND REDEVELOPMENT, SAND ISLAND SWIMMING BEACH SAND ISLAND LANDING AND MARINE EDUCATION CENTER, FT ARMSTRONG/ KAKAAKO-KAPALAMA RELOCATION, AND ANY OTHER PROJECTS INCLUDED IN THE KAKAAKO COMMUNITY DEVELOPMENT DISTRICT MAKAI AREA					
		PLANS		300		650	
		LAND				1	
		DESIGN		300		2,350	
		CONSTRUCTION				1,299	
		TOTAL FUNDING	GOV	600	A		A
			GOV		C	4,300	C
4		G03A KAKAAKO WATERFRONT PARK OAHU					
		PLANS DESIGN CONSTRUCTION, & EQUIP FOR PHASE IA INCLUDING SCULPTING & REDISTRIBUTION OF LANDFILL MOUND DEVELOPMENT OF NEW SEA WALL & PEDESTRIAN PROMENADE, PARKING, COMFORT STATIONS, & UTILITIES PROVIDED THAT FUNDS SHALL FIRST BE USED TO REMOVE OR OTHERWISE MITIGATE ANY CONTAMINATED LANDS WITHIN THE BOUNDRIES OF THE PARK FUNDS MAY BE SUPPLEMENTED BY SPECIAL & FEDERAL FUNDS					
		PLANS		320			
		DESIGN		960			
		CONSTRUCTION		12,527		11,660	
		EQUIPMENT		1			
		TOTAL FUNDING	BED	13,808	A		A
			BED		C	11,660	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
5.	G03B	KEEHI LAGOON CANOE CENTER / KALIHI KAI PARK, OAHU					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR A CANOE RACE COMPLEX AND 40 ACRE PARK AT KEEHI LAGOON INCLUDING RAMPS, CANOE STORAGE SHEDS, PEDESTRIAN BRIDGES, COMFORT STATIONS, PASSIVE AND ACTIVE RECREATIONAL FACILITIES, LANDSCAPING AND UTLITIES. FUNDS MAY BE SUPPLEMENTED BY SPECIAL AND FEDERAL FUNDS.						
		PLANS		281			
		DESIGN		604			
		CONSTRUCTION		2,999		2,775	
		EQUIPMENT		1			
		TOTAL FUNDING	GOV	3,885A			A
			GOV		C	2,775	C
6.	G03C	WATERFRONT HARBOR IMPROVEMENTS AND MAINTENANCE, OAHU					
		CONSTRUCTION FOR GENERAL IMPROVEMENTS, MAINTENANCE, AND REPAIRS TO STATE HARBOR FACILITIES.					
		CONSTRUCTION		1,000			
		TOTAL FUNDING	GOV	1,000A			A
6A.	G03D	HONOLULU HARBOR AND BARBERS POINT HARBOR DEVELOPMENT PROGRAM, OAHU					
		PLANS TO ESTABLISH A DETAILED DEVELOPMENT PROGRAM TO FORMULATE AND GUIDE HARBOR MANAGEMENT AND IMPROVEMENT DECISIONS FOR IMPLEMENTATION OF THE HONOLULU WATERFRONT MASTER PLAN UPDATE AND REVISE EXISTING DEVELOPMENT PLANS FOR HONOLULU HARBOR AND BARBERS POINT HARBOR AS NECESSSARY.						
		PLANS				250	
		TOTAL FUNDING	GOV		C	250	C
BED104		**- HAWAII COMMUNITY DEVELOPMENT AUTHORITY**					
7.	HCD001	KAKA'AKO COMMUNITY DEVELOPMENT DISTRICT, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		PLANS, LAND ACQUISITION, DESIGN AND CONSTRUCTION FOR PLANNING, DEVELOPMENT, AND PROJECT COSTS AS DEFINED IN CHAPTER 206E, HAWAII REVISED STATUTES, FOR KAKAAKO COMMUNITY DEVELOPMENT DISTRICT FUNDS MAY BE USED TO MATCH FEDERAL AND NON-STATE FUNDS AS MAY BE AVAILABLE					
		PLANS		1,630		1,680	
		LAND		15 600		100	
		DESIGN		1		1	
		CONSTRUCTION		1,500		16,900	
		TOTAL FUNDING	BED	18 731A		16,681A	
			BED	C		2,000C	
BUF161	**- COMMUNICATION**						
8	BUF01	COMMUNICATION DUCTLINES, CABLES, AND CABLE DISTRIBUTION FACILITIES, OAHU					
		LAND ACQUISITION, DESIGN AND CONSTRUCTION TO ACCOMMODATE COMMUNICATION DUCTLINES CABLES AND CABLE DISTRIBUTION FACILITIES TO OFFICE BUILDINGS WITHIN THE STATE CAPITOL COMPLEX AND ADJOINING AREAS					
		LAND		5			
		DESIGN		75		60	
		CONSTRUCTION		390		412	
		TOTAL FUNDING	AGS	470C		472C	
9	BUF02	TELECOMMUNICATIONS SITE OAHU					
		PLANS, LAND ACQUISITION, AND DESIGN TO ACQUIRE A TELECOMMUNICATIONS SITE AND CONSTRUCT TELECOMMUNICATIONS FACILITIES TO SUPPLEMENT THE EXISTING TELECOMMUNICATIONS SITE AT ROUND TOP					
		PLANS		50			
		LAND				20	
		DESIGN				60	
		TOTAL FUNDING	AGS	50C		80C	
LNR101	**- PUBLIC LANDS MANAGEMENT**						
10	F50	KONA MARSHALLING YARD IMPROVEMENTS, PHASE IV HAWAII					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		PLANS, DESIGN AND CONSTRUCTING OF PHASE IV IMPROVEMENTS CONSISTING OF INCREMENTAL DEVELOPMENT OF FACILITIES TO INCLUDE PAVING OF BACK 1.9 ACRES, INSTALLING UTILITIES FOR EXISTING AND OTHER INCIDENTAL AND APPURTENANT WORK.					
		PLANS		20			
		DESIGN		50			
		CONSTRUCTION		300			
		TOTAL FUNDING	LNR	370C			C
11.		E58 SEAWALL IMPROVEMENT, WAIKIKI					
		PLANS, DESIGN AND INCREMENTAL CONSTRUCTION OF IMPROVEMENTS TO SEAWALL INCLUDING RAILINGS, REHABILITATION OF SEAWALL, FENCES AND OTHER IMPROVEMENTS NECESSARY FOR THE SAFE PASSAGE OF THE PUBLIC OVER EXISTING SEAWALLS.					
		PLANS		20			
		DESIGN		65			
		CONSTRUCTION		400		200	
		TOTAL FUNDING	LNR	485C		200C	
12.		E74 IMPROVEMENTS TO STATE-OWNED DRAINAGE DITCHES, KAUAI					
		PLANS, LAND ACQUISITION AND DESIGN FOR ENVIRONMENTAL IMPACT ASSESSMENT AND CONSTRUCTION OF IMPROVEMENTS TO THE FOLLOWING DITCHES: PEE KAUAI (MENEHUNE DITCH), FARMERS DITCH, KULA RICE LOTS DITCH, AND CHINA DITCH, TOGETHER WITH OTHER INCIDENTAL WORKS.					
		PLANS		130		100	
		LAND		1		1	
		DESIGN		65		50	
		TOTAL FUNDING	LNR	196C		151C	
13.		E75 IMPROVEMENTS FOR MAUNALAHA HEIGHTS SUBDIVISION, MAKIKI, OAHU					
		PLANS AND DESIGN FOR ENVIRONMENTAL IMPACT ASSESSMENT, AND CONSTRUCTION OF ROADWAY, DRAINAGE SEWER, AND WATER SYSTEMS; TO INCLUDE OTHER INCIDENTAL AND RELATED WORKS.					
		PLANS				115	
		DESIGN				165	
		TOTAL FUNDING	LNR	C		280C	
14.		E76 DEVELOPMENT OF UNENCUMBERED STATE-OWNED					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		LANDS FOR SUBDIVISION					
		PLANS, DESIGN, AND CONSTRUCT IMPROVEMENTS TO SUBDIVIDE STATE-OWNED LANDS FOR HOUSELOTS INCLUDING APPROVAL IN ACCORDANCE WITH COUNTY STANDARDS THE PARCELS ARE IDENTIFIED BY TAX MAP KEYS AS FOLLOWS (KAUAI) 1-9-09 3, 6-9, 21-22, 1-9-10 50, 4-1-11 16 AND 20 4-5-15 3,34, 47-48 AND (MAUI) 2-2-03 3					
		PLANS				60	
		DESIGN				75	
		TOTAL FUNDING	LNR		C	135	C
15		MAUNAWILI VALLEY ON-SITE IMPROVEMENTS, OAHU					
		DESIGN AND CONSTRUCTION FOR ON-SITE IMPROVEMENTS, ACCESS ROAD STREAM CROSSINGS AND THE INSTALLATION OF UTILITIES IN MAUNAWILI VALLEY FOR BANANA FARMERS RELOCATED AS A RESULT OF THE H-3 PROJECT					
		DESIGN		25			
		CONSTRUCTION		225			
		TOTAL FUNDING	LNR	250	A		A
16		F78 RESOURCE LAND ACQUISITIONS					
		PLANS AND LAND ACQUISITION INCLUDING ACQUISITION OF EASEMENTS OF LANDS HAVING VALUE AS A RESOURCE TO THE STATE, INCLUDING LANDS HAVING NATURAL, ENVIRONMENTAL, RECREATIONAL, SCENIC, OPEN SPACE, CULTURAL OR HISTORICAL VALUE					
		PLANS		500		500	
		LAND		19,500		19,500	
		TOTAL FUNDING	LNR	20 000	A	20,000	A
16A		PEARL CITY YOUTH COMPLEX, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR A DRIVEWAY, PARKING LOT IRRIGATION SYSTEM AND OTHER RELATED WORK					
		PLANS				10	
		DESIGN				25	
		CONSTRUCTION				210	
		TOTAL FUNDING	LNR		A	245	A
16B		LA-I ROAD BRIDGES, OAHU					
		PLANS DESIGN, AND CONSTRUCTION FOR RENOVATION OR REPLACEMENT OF THREE WOODEN BRIDGES ON UPPER LA-I ROAD IN PALOLO VALLEY					
		PLANS				1	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		DESIGN					1
		CONSTRUCTION					58
		TOTAL FUNDING	LNR		A		60A
AGS221	- CONSTRUCTION						
17.	A53	MOLOKAI MULTI-AGENCY MAINTENANCE AND SERVICE FACILITY, MOLOKAI					
		LAND ACQUISITION, DESIGN, CONSTRUCTION AND EQUIPMENT FOR A MULTI-AGENCY MAINTENANCE AND SERVICE FACILITY FOR MOLOKAI STATE AND COUNTY AGENCIES.					
		LAND					250
		DESIGN					115
		CONSTRUCTION					1,700
		EQUIPMENT					40
		TOTAL FUNDING	AGS		C		2,105C
17A.	A90	LILIHA CIVIC CENTER, PHASE I, OAHU					
		DESIGN TO PROVIDE OFFICE BUILDINGS AND PARKING STRUCTURE FOR STATE AGENCIES. WORK TO BE DONE IN PHASES.					
		DESIGN					1,500
		TOTAL FUNDING	AGS		A		1,000A
			AGS		C		500C
18.	B27	ADVANCE PLANNING, STATEWIDE					
		PLANS TO PROVIDE ASSISTANCE TO THE PUBLIC, STATE AND COUNTIES IN MATTERS RELATING TO PUBLIC WORKS DIVISION. IT INCLUDES THE OPERATION OF REPORTS, STUDIES, INVENTORIES, REVIEWS AND PERFORMANCE OF ALL NECESSARY ACTIVITIES TO CARRY OUT DAGS FUNCTIONS.					
		PLANS		250			250
		TOTAL FUNDING	AGS	250A			250A
19.	B28	STATE OFFICE BUILDINGS REMODELING					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR REMODELING AND UPGRADING STATE OFFICE BUILDINGS, STATEWIDE, TO PROVIDE ADEQUATE SPACE FOR AGENCIES TO ACCOMMODATE THEIR OPERATIONAL REQUIREMENTS. WORK INCLUDES REMODELING FOR REORGANIZATION, PROGRAM CHANGES, STAFFING CHANGES, CORRECTION ON INEFFICIENT OFFICE LAYOUT, OSHA REGULATIONS, PLUMBING, ELEVATORS, ETC.					
		DESIGN		203			60

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		CONSTRUCTION		1,692		440	
		EQUIPMENT		50			
		TOTAL FUNDING	AGS	1,045A			A
			AGS	900C		500C	
20		C27 PROFESSIONAL BASEBALL TRAINING FACILITY, OAHU					
		LAND ACQUISITION, DESIGN AND CONSTRUCTION TO PROVIDE A PROFESSIONAL TRAINING FACILITY AS PART OF CENTRAL/EWA OAHU DEVELOPMENT FOR DUAL USE BY THE COMMUNITY					
		LAND		2,700			
		DESIGN		999			
		CONSTRUCTION		1			
		TOTAL FUNDING	AGS	3,700A			A
21		C29 STATE CAPITOL POOL AND OTHER IMPROVEMENTS, OAHU					
		DESIGN AND CONSTRUCTION TO REMOVE AND REPLACE WATERPROOFING MEMBRANE, RENOVATE ELECTRICAL AND MECHANICAL CIRCULATION SYSTEMS, CONVERT TO FRESH WATER, CONSTRUCT LILY PONDS AND OTHER IMPROVEMENTS					
		DESIGN		66			
		CONSTRUCTION				1,615	
		TOTAL FUNDING	AGS	66C		1,615C	
22		C43 KAHULUI CIVIC CENTER, PHASE I, MAUI					
		LAND ACQUISITION AND DESIGN TO PROVIDE A STATE CIVIC CENTER IN KAHULUI, MAUI, IN PHASES					
		LAND		75			
		DESIGN		380			
		TOTAL FUNDING	AGS	455C			C
22A		C04B WAIPAHU CIVIC CENTER, STATE OFFICE BUILDING, OAHU					
		CONSTRUCTION TO PROVIDE A CIVIC CENTER FOR LEEWARD OAHU WORK TO BE DONE IN TWO PHASES					
		CONSTRUCTION				10,000	
		TOTAL FUNDING	AGS		A	10,000A	
22B		C80 KAMEHAMEHA V POST OFFICE RENOVATIONS, OAHU					
		DESIGN AND CONSTRUCTION TO RENOVATE EXISTING BUILDING INTO OFFICE PERFORMING ARTS COMPLEX FOR STATE FOUNDATION ON CULTURE AND THE ARTS					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		DESIGN				200	
		CONSTRUCTION				1,300	
		TOTAL FUNDING	AGS		A	1,500	A
22C.	C79	KAPOLEI CIVIC CENTER, OAHU					
		PLANS AND DESIGN TO PROVIDE NEW STATE FACILITIES AT KAPOLEI, EWA.					
		PLANS				250	
		DESIGN				1,350	
		TOTAL FUNDING	AGS		A	1,500	A
			AGS		C	100	C
23.	A39B	KAUNAKAKAI CIVIC CENTER, BUILDING #1 AND SITEWORK, MOLOKAI					
		LAND ACQUISITION, DESIGN AND CONSTRUCTION TO PROVIDE A CIVIC CENTER IN KAUNAKAKAI.					
		LAND				849	
		DESIGN				1	
		CONSTRUCTION		3,500			
		TOTAL FUNDING	AGS	3,500	C	850	C
23A.		KAHULUI CIVIC CENTER, MAUI					
		LAND ACQUISITION FOR THE KAHULUI CIVIC CENTER.					
		LAND				1,700	
		TOTAL FUNDING	AGS		C	1,700	C
23B.	C72	NEW ARCHIVES BUILDING, OAHU					
		PLANS AND DESIGN FOR A NEW ARCHIVES BUILDING.					
		PLANS				50	
		DESIGN				450	
		TOTAL FUNDING	AGS		C	500	C
24.	C36A	RICHARD ST. PARKING GARAGE, PHASE I, OAHU					
		CONSTRUCTION TO PROVIDE A MULTI-LEVEL PARKING STRUCTURE AT THE SITE OF THE EXISTING CITY PARKING STRUCTURE ON HOTEL ST. BETWEEN ALAKEA AND RICHARDS ST. THE EXISTING STRUCTURE IS TO BE ACQUIRED AND DEMOLISHED. THE WORK IS TO BE DONE IN TWO PHASES.					
		CONSTRUCTION		13,400			
		TOTAL FUNDING	AGS	8,400	A		A
			AGS	5,000	B		B
25.	C10409	STATE CAPITOL DISTRICT ASBESTOS MITIGATION, AIR CON. AND OTHER IMPR.					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO	CAPITAL NO	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
	DESIGN AND CONSTRUCTION TO ENCAPSULATE AND/OR ENCASE ASBESTOS CONTAINING MATERIAL IN THE STATE CAPITOL RENOVATE THE BUILDING AIR CONDITIONING SYSTEM AND REFURBISH THE OFFICE AND PUBLIC AREAS						
		DESIGN		500		500	
		CONSTRUCTION		26 200			
		TOTAL FUNDING	AGS	26 700	A		A
			AGS		C		500C
26	P00003 LAND ACQ RELATED TO ASBESTOS REMOVAL IN STATE DIST OFC BLDG (STATE OFFICE TOWER)						
	EQUIPMENT FUNDS FOR LAND ACQUISITION RELATED TO ASBESTOS MITIGATION IN THE STATE CAPITOL DISTRICT INCLUDES DESIGN FOR RENOVATION AND CONSTRUCTION						
		EQUIPMENT		500			
		TOTAL FUNDING	AGS	500	A		A
27	P00007 MAUI DISTRICT OFFICE RELOCATION TO KAHULUI AIRPORT AREA PHASE I MAUI						
	DESIGN CONSTRUCTION AND EQUIPMENT TO RELOCATE MAUI DISTRICT OFFICE						
		DESIGN		158			
		CONSTRUCTION		1 800		3 016	
		EQUIPMENT		50		50	
		TOTAL FUNDING	AGS	2 008	C	3 066	C
28	LIHUE SHOPPING CENTER KAUAI						
	DESIGN AND CONSTRUCTION FOR KAUAI COUNTY BUILDING LIHUE SHOPPING CENTER COMPLEX LIHUE KAUAI						
		DESIGN		600			
		CONSTRUCTION		4 400			
		TOTAL FUNDING	AGS	5 000	A		A
29	CULTURAL CENTER PEARL CITY OAHU						
	CONSTRUCTION FOR A PEARL CITY CULTURAL CENTER TO INCLUDE AN AUDITORIUM SEATING EQUIPMENT SITE WORK AND PARKING						
		CONSTRUCTION		3 400			
		TOTAL FUNDING	AGS	3 400	A		A
30	KAUAI VETERANS CENTER KAUAI						
	DESIGN CONSTRUCTION FURNITURE AND AND EQUIPMENT FOR A KAUAI VETERANS CENTER (GRANT IN AID)						
		DESIGN		50			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		CONSTRUCTION		500		200	
		EQUIPMENT		50			
		TOTAL FUNDING	AGS	600A		200A	
31.		MILILANI PERFORMING ARTS CENTER, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR A PERFORMING ARTS CENTER IN MILILANI, OAHU.					
		PLANS		40			
		DESIGN		362			
		CONSTRUCTION				700	
		TOTAL FUNDING	AGS	402A		700A	
31A.		LIHUE DAGS MULTI-AGENCY BASEYARD, KAUAI					
		CONSTRUCTION FOR IMPROVEMENTS TO MULTI-AGENCY BASEYARD.					
		CONSTRUCTION				200	
		TOTAL FUNDING	AGS	A		200A	
SUB201		**- CITY AND COUNTY OF HONOLULU**					
32.		NIHI STREET IMPROVEMENTS, OAHU					
		DESIGN AND CONSTRUCTION FOR THE IMPROVEMENTS TO NIHI STREET					
		DESIGN		200			
		CONSTRUCTION		1,800			
		TOTAL FUNDING	CCH	2,000A		A	
33.		MAKIKI DISTRICT PARK, OAHU					
		CONSTRUCTION FOR SWIMMING POOL.					
		CONSTRUCTION		300			
		TOTAL FUNDING	CCH	300A		A	
34.		MOANALUA ROAD, OAHU					
		LAND, DESIGN, AND CONSTRUCTION TO COMPLETE IMPROVEMENTS TO MOANALUA ROAD.					
		LAND				1	
		DESIGN				1	
		CONSTRUCTION		1,771		2,700	
		TOTAL FUNDING	CCH	1,771A		2,702A	
34A.		AINA HAINA HILLSIDE IMPROVEMENTS, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		PLANS, LAND, DESIGN, CONSTRUCTION, AND EQUIPMENT OF IMPROVEMENTS FOR THE AINA HAINA HILLSIDE AREA, INCLUDING ALL NECESSARY PLANNING LAND ACQUISITION, CONSTRUCTION, REPAIRS OF WATER, SEWER, STORM, DRAIN LINES, SUBSURFACE AND SURFACE DRAINAGE SYSTEMS AND APPURTENANCES WITHIN AND ADJACENT AREAS						
		PLANS				10	
		LAND				10	
		DESIGN				10	
		CONSTRUCTION				960	
		EQUIPMENT				10	
		TOTAL FUNDING	CCH		A	1,000	A
35		KAHUKU SEWAGE TREATMENT PLANT, OAHU					
		CONSTRUCTION FOR THE MODIFICATIONS FOR THE EXPANSION OF THE KAHUKU SEWAGE TREATMENT PLANT					
		CONSTRUCTION		1,000			
		TOTAL FUNDING	CCH	1,000	A		A
SUB301		**- COUNTY OF HAWAII**					
36		PUAINAKO STREET EXTENSION, HAWAII					
		PLANS DESIGN AND CONSTRUCTION FOR EXTENSION TO PUAINAKO STREET HAWAII					
		PLANS		104			
		DESIGN		208			
		CONSTRUCTION		4,888			
		TOTAL FUNDING	COH	5,200	A		A
37		KAILUA VILLAGE ACCESS ROAD KONA HAWAII					
		PLANS DESIGN AND CONSTRUCTION FOR AN ACCESS ROAD TO KAILUA VILLAGE KONA HAWAII					
		PLANS		5			
		DESIGN		10			
		CONSTRUCTION		1,820			
		TOTAL FUNDING	COH	1,835	A		A
38		PALANI ROAD RESURFACING, HAWAII					
		DESIGN AND CONSTRUCTION TO RESURFACE PALANI ROAD					
		DESIGN		100			
		CONSTRUCTION		400			
		TOTAL FUNDING	COH	500	A		A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
38A.		OLD KONA AIRPORT PARK GYMNASIUM, HAWAII					
		DESIGN AND CONSTRUCTION OF PARK, RECREATIONAL FACILITIES AND INFRASTRUCTURE IMPROVEMENTS FOR A GYMNASIUM AT THE OLD KONA AIRPORT PARK.					
		DESIGN				50	
		CONSTRUCTION				750	
		TOTAL FUNDING	COH		A		800A
39.		HILO CIVIC AUDITORIUM, HAWAII					
		DESIGN FOR A CIVIC AUDITORIUM IN HILO, HAWAII.					
		DESIGN		600			
		TOTAL FUNDING	COH	600A			A
39A.		WEST HAWAII WATER DEVELOPMENT AND DISTRIBUTION, HAWAII					
		DESIGN AND CONSTRUCTION FOR WATER DEVELOPMENT AND DISTRIBUTION IN WEST HAWAII.					
		DESIGN				125	
		CONSTRUCTION				1,075	
		TOTAL FUNDING	COH		A		1,200A
39B.		ALENAIO FLOOD CONTROL, HAWAII					
		CONSTRUCTION FOR A FLOOD CONTROL SYSTEM. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.					
		CONSTRUCTION				4,100	
		TOTAL FUNDING	COH		A		4,100A
39C.		PUUEO COMMUNITY CENTER, HAWAII					
		CONSTRUCTION AND EQUIPMENT FOR A COMMUNITY CENTER TO INCLUDE A LICENSED FACILITY FOR CHILD CARE.					
		CONSTRUCTION				1,190	
		EQUIPMENT				10	
		TOTAL FUNDING	COH		A		1,200A
39D.		LICENSED CHILD CARE FACILITY, HAWAII					
		PLANS, DESIGN, AND CONSTRUCTION OF A CHILD CARE FACILITY AT PUNA.					
		PLANS				1	
		DESIGN				49	
		CONSTRUCTION				550	
		TOTAL FUNDING	COH		A		600A

SUB401 - COUNTY OF MAUI

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
40		MAKENA-ULUPALAKUA ROAD MAUI					
		PLANS, LAND ACQUISITION, DESIGN AND CONSTRUCTION FOR MAKENA-ULUPALAKUA ROAD FUNDS TO BE MATCHED BY COUNTY AND PRIVATE FUNDS					
		PLANS		100			
		LAND		100			
		DESIGN		100			
		CONSTRUCTION		1,700			
		TOTAL FUNDING	COM	2,000A			A
41		CENTRAL MAUI SANITARY LANDFILL PHASE II, MAUI					
		PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR PHASE II OF THE CENTRAL MAUI SANITARY LANDFILL					
		PLANS		49			
		LAND		1			
		DESIGN		100			
		CONSTRUCTION		850			
		TOTAL FUNDING	COM	1,000A			A
42		KIHEI DRAINAGE AND FLOOD CONTROL, MAUI					
		PLANS, LAND ACQUISITION, DESIGN AND CONSTRUCTION FOR DRAINAGE AND FLOOD CONTROL IN KIHEI, MAUI					
		PLANS		49			
		LAND		1			
		DESIGN		100			
		CONSTRUCTION		850			
		TOTAL FUNDING	COM	1,000A			A
43		UPCOUNTRY COMMUNITY CENTER, MAUI					
		PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR THE UPCOUNTRY COMMUNITY CENTER					
		PLANS		10			
		LAND		1			
		DESIGN		39			
		CONSTRUCTION		340			
		TOTAL FUNDING	COM	390A			A
SUB501		- COUNTY OF KAUAI					
44		KOLOA-POIPU BY-PASS ROAD KAUAI					
		PLANS, LAND ACQUISITION, DESIGN AND CONSTRUCTION FOR RIGHT-OF-WAY ACQUISITION AND A BY-PASS ROADWAY BETWEEN KOLOA AND POIPU					
		PLANS		50			
		LAND		175			
		DESIGN		100			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		CONSTRUCTION		700			
		TOTAL FUNDING	COK	1,025A			A
45.		RADIO COMMUNICATIONS NETWORK, KAUAI					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR A NEW COMMUNICATIONS NETWORK SYSTEM FOR USE BY VARIOUS COUNTY AND STATE AGENCIES.					
		PLANS		100			
		DESIGN		200			
		CONSTRUCTION		700			
		EQUIPMENT		1,000			
		TOTAL FUNDING	COK	2,000A			A
46.		KILAUEA LIGHTHOUSE ROAD, KAUAI					
		PLANS, LAND ACQUISITION, DESIGN AND CONSTRUCTION FOR RIGHT-OF-WAY ACQUISITION AND A ROADWAY TO THE KILAUEA LIGHTHOUSE AND THE FEDERAL LIGHTHOUSE INSTALLATION.					
		PLANS		10			
		LAND		45			
		DESIGN		30			
		CONSTRUCTION		290			
		TOTAL FUNDING	COK	375A			A
46A.		HALEHAKA LANDFILL, KAUAI					
		CONSTRUCTION FOR CLOSURE AND ENVIRONMENTAL MONITORING.					
		CONSTRUCTION				550	
		TOTAL FUNDING	COK		A	550A	
46B.		PUHI WATER SYSTEM, KAUAI					
		PLANS, LAND, DESIGN, AND CONSTRUCTION FOR PHASE I OF PUHI WELL #4.					
		PLANS				1	
		LAND				1	
		DESIGN				1	
		CONSTRUCTION				327	
		TOTAL FUNDING	COK		A	330A	
46C.		HANAPEPE WATER SYSTEM, KAUAI					
		PLANS, DESIGN, AND CONSTRUCTION FOR PHASE I OF THE DEVELOPMENT OF HANAPEPE WELL #4 SOURCE, PUMP, ELECTRICAL CONTROLS, CONNECTING PIPELINE, AND APPURTENANCES.					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				418	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO	CAPITAL NO	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		TOTAL FUNDING	COK		A		420A
46D		KAPAA WATER SYSTEM KAUAI					
		PLANS DESIGN AND CONSTRUCTION OF A WATER SYSTEM EXTENSION APPROXIMATELY 3 300 FEET IN LENGTH BEGINNING AT THE EXISTING WATERLINE AT THE INTERSECTION OF OHU AND KAWAIHAU ROAD TO MAHELONA HOSPITAL					
		PLANS					1
		DESIGN					1
		CONSTRUCTION					708
		TOTAL FUNDING	COK		A		710A

SECTION 7 Part V, Act 316, Session Laws of Hawaii 1989, is amended as follows

(1) By adding a new section to read as follows

"SECTION 223A Provided that of the general fund appropriation for commerce and industry (BED 102), the sum of $500,000 in fiscal year 1990-91 shall be used for the plans, design and construction of a tropical fruit disinfestation facility on the island of Kauai, provided further that the department of business and economic development shall enter into a contract with a qualified organization of the State to fulfill the stated purpose "

(2) By adding a new section to read as follows

"SECTION 223B Provided that of the revenue bond fund appropriations for the intra-terminal transportation system at HIA (TRN 102), the study on the airport people mover system submitted to the 1990 legislature by the department of transportation shall be expanded upon, provided further that the report shall be expanded to include, but not be limited to, a thorough comprehensive analysis of the feasibility, practicability, viability and workability of the airport people mover system, which includes but is not limited to benefit cost analysis of each of the alternatives considered with alternatives not being limited to automated people mover systems but to include moving sidewalks and expansion of the wiki-wiki bus systems and a discussion of the assumptions made '

(3) By adding a new section to read as follows

"SECTION 223C Provided that of the revenue bond fund appropriation for General Lyman field facilities and services (TRN 111), the sum of $800,000 shall be used for the design and construction of ten T-hangars at General Lyman field "

(4) By adding a new section to read as follows

"SECTION 230A. Provided that of the revenue bond fund appropriations for airport land acquisition, statewide (TRN 195), the sum of $50,000,000 shall be used for the relocation costs of the tenants in preparation for the construction of the new international terminal building."

(5) By adding a new section to read as follows:

"SECTION 232A. Provided that of the general obligation bond appropriation for the Puhi to Kapaa bypass road on Kauai (TRN 561), the sum of $2,800,000 in fiscal year 1990-91 shall not be expended unless public informational meetings are conducted."

(6) By adding a new section to read as follows:

"SECTION 233A. Provided that of the general obligation bond fund appropriation for private housing development and ownership (BUF 225), the sum of $100,000,000 in fiscal year 1990-91 shall be used to reimburse the general fund for advances made to the homes revolving fund, pursuant to Section 201E-207(b), Hawaii Revised Statutes."

(7) By adding a new section to read as follows:

"SECTION 233B. Provided that the general obligation bond appropriation for the special events arena and athletics support facilities on the Manoa campus (UOH 105), shall be used to plan for a seating capacity of 10,000 seats as referenced in the UHM HPE facility alternatives study, dated November 1989; provided further that the UHM parking structure, phase II project proceed without delay and shall be coordinated with the special events arena project such that parking facilities be available prior to the completion of the arena; and the university shall develop plans to temporarily relocate existing programs, activities and events that are scheduled in Klum gym; provided further that a report on the plans to temporarily relocate these existing programs, activities and events be submitted to the legislature not less than twenty days prior to the convening of the 1991 regular session; provided further that the university of Hawaii shall take steps to minimize the amount of state funding required for the construction, operation, and maintenance of the special events arena and athletics support facilities, to include, but not be limited to, the seeking of private donations and support, the establishment of appropriate levels of concessionaire and other fees, and the obtaining of other suitable resources."

(8) By adding a new section to read as follows:

"SECTION 233C. Provided that of the appropriation for public lands management (LNR 101), the sum of $20,000,000 for fiscal year 1990-91 shall be used to acquire resource lands; provided further that Makalehe beach, Makalawena beach, Awakee beach, Ohikalolo beach, and Brennecke beach be given priority consideration for purchase; provided further that funds shall be used to plan for the acquisition of Waipi'o valley, Hawaii; provided further that of these funds, the sum of $50,000 in fiscal year 1990-91 shall be used to provide stream maintenance and administrative support for the task force to preserve Waipi'o valley; provided further that the department shall consider implementing efforts for a land exchange for the Heeia Uli wetlands; provided further that the department shall submit a full report of the land acquisitions completed or under consideration to include, but not be limited to, the name of the

property, location, area, seller/owner, appraised value or actual purchase cost, and public purpose; provided further that the report shall be submitted to the legislature twenty days prior to the convening of the 1991 regular session."

(9) By adding a new section to read as follows:

"SECTION 240A. Section 280 of Act 216, Session Laws of Hawaii 1987, as amended and renumbered by Section 6 of Act 390, Session Laws of Hawaii 1988, as amended by Section 240 of Act 316, Session Laws of Hawaii 1989, is amended:

(1) By amending Item UOH 101-64 to read:

"64. 092 UHM, PACIFIC OCEAN SCIENCE AND TECHNOLOGY CENTER

PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR INSTRUCTIONAL AND RESEARCH FACILITIES TO INCLUDE CLASSROOMS, LABORATORIES, SEMINAR AND CONFERENCE ROOMS, OFFICES, RESOURCE MATERIALS AND EXHIBITION SPACES AND OTHER RELATED AREAS. ALSO, RENOVATION OF FACILITIES FOR PROGRAMS AFFECTED BY DEMOLITION AND SITE PREPARATION AND FOR A PARKING STRUCTURE IN THE HOLMES HALL PARKING LOT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
PLANS		1	
DESIGN		1,658	1
CONSTRUCTION			34,999
EQUIPMENT			1
TOTAL FUNDING	AGS	A	20,001 A
		1,659 C	C
		N	15,000 N"

(2) By amending Item UOH 101-65 to read:

"65. P00080 AGRICULTURAL SCIENCE FACILITIES, PHASE III

PLANS AND DESIGN OF NEW REPLACEMENT FACILITY FOR COLLEGE TROPICAL AGRICULTURE AND HUMAN RESOURCES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
PLANS		1	
DESIGN		742	46
TOTAL FUNDING	AGS	743 C	46 C"

(10) By adding a new section to read as follows:

SECTION 240B. Section 280 of Act 216, Session Laws of Hawaii 1987, as amended and renumbered by Section 6 of Act 390, Session Laws of Hawaii 1988 is amended:

(1) By amending Item UOH 102-71 to read:

"71. P00084 EDUCATION AND INFORMATION CENTER, MAUNA KEA MID LEVEL STATION, INSTITUTE FOR ASTRONOMY

PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR EDUCATION AND INFORMATION CENTER AT MAUNA KEA.			
PLANS		10	
DESIGN		30	
CONSTRUCTION			299
EQUIPMENT		1	
TOTAL FUNDING	AGS	C	340C"

(2) By amending Item DOC 405-3C to read as follows:

"3C. CD8506 Hawaii ISC/CCC PROGRAM

PLAN, DESIGN, CONSTRUCT AND EQUIP EXPANDED FACILITIES AT HAWAII COMMUNITY CORRECTIONAL CENTER.		
PLANS	165	
LAND	50	
DESIGN	85	
CONSTRUCTION	505	
EQUIPMENT	30	
TOTAL FUNDING	835 C	C"

(3) By amending Item TRN 301-25A to read as follows:

"25A. J32 INTRA-ISLAND FERRY SYSTEM, OAHU

DEVELOPMENT OF FACILITIES FOR INTRA-ISLAND FERRY BETWEEN MAUNALUA BAY AND HONOLULU HARBOR INCLUDING DREDGING, FILL, PIER, SHORESIDE FACILITIES AND OTHER IMPROVEMENTS. THIS PROJECT QUALIFIES FOR FEDERAL-AID FINANCING/ REIMBURSEMENT.			
DESIGN			120
CONSTRUCTION			1,460
TOTAL FUNDING	TRN	D	1,580 D"

(4) By amending Item UOH 101-62 to read:

"62. 085 UHM, CENTER FOR HAWAIIAN STUDIES

PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT OF FACILITIES FOR THE HAWAIIAN

STUDIES PROGRAM THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT

PLANS		50	
DESIGN		162	
TOTAL FUNDING	AGS	212C	C"

(11) By adding a new section to read as follows

SECTION 240C Section 2 of Act 2, Special Session, Session Laws of Hawaii 1988, is amended

(1) By amending Item EDN 105-170 to read as follows

"170 SP1203 WILSON ELEMENTARY SCHOOL, OAHU

PLANS, DESIGN, AND CONSTRUCTION TO EXTEND THE EXISTING CHAINLINK FENCE AROUND THE FRONT OF THE SCHOOL

PLANS			2
DESIGN			3
CONSTRUCTION			30
TOTAL FUNDING	AGS	A	35 A"

(12) By adding a new section to read as follows

SECTION 240D Section 2 of Act 314, Session Laws of Hawaii 1989, is amended (1) By amending Item HHL 602-11 to read as follows

"11 J4924C ANAHOLA HOMESTEAD, KAUAI

PLANS AND DESIGN FOR A PARK PAVILLION

PLANS	5	
DESIGN		
CONSTRUCTION	35	
TOTAL FUNDING	40 C	C"

(2) By amending Item EDN 105-194 to read as follows

"194 J45231 WAIPAHU INTERMEDIATE, OAHU
DESIGN FOR THE RENOVATION OF BOYS' AND GIRLS' PHYSICAL EDUCATION CLASSROOM BUILDING

DESIGN	52	
TOTAL FUNDING	52 C	C"

(3) By amending Item LNR 806-3 to read as follows

"3 SP1602 MAKIKI-TANTALUS STATE PARK, OAHU

PLANS FOR DEVELOPMENT AND ASSOCIATED EIS TO INCLUDE AN EDUCATIONAL/INTERPRETIVE CENTER IN MAKIKI VALLEY

PLANS	148

DESIGN			
CONSTRUCTION			
TOTAL FUNDING	LNR	148 C	C"

(4) By amending Item AGS 221-6 to read as follows:

"6. SJ2425 VETERANS CENTER, KAUAI.

CONSTRUCTION OF A VETERANS CENTER ON KAUAI. (GRANT-IN-AID)			
CONSTRUCTION		100	
TOTAL FUNDING	AGS	100 C	C"

(5) By amending Item SUB 201-30 to read:

"30. HJ4512 VILLAGE PARK AND WAIPAHU AREA BUS STOP IMPROVEMENTS, OAHU.

IMPROVE BUS STOPS IN VILLAGE PARK AND ON FARRINGTON HIGHWAY AND WAIPAHU STREET IN WAIPAHU TO INCLUDE DESIGN AND CONSTRUCTION OF CONCRETE SLABS AND BENCHES AT BUS STOPS AT KUPUNA LOOP AND KAHAKEA STREET; PAIWA STREET AND WAIPAHU STREET; AND HAIPU STREET AND WAIPAHU STREET; AND HAIPU STREET AND WAIPAHU STREET.			
DESIGN		3	
CONSTRUCTION		12	
TOTAL FUNDING	CCH	15 C	C"

(6) By amending Item SUB 301-44 to read as follows:

"44. HP0501 KAILUA VILLAGE MASTER PLAN, KAILUA-KONA, HAWAII

MASTER PLAN FOR KAILUA VILLAGE, TO INCLUDE A STUDY OF TRAFFIC PATTERNS, PLANNING FOR FUTURE ROADWAYS, DISCUSSION OF SEA WALL AND BEACH BENEATH THE SEA WALL, AND TYPES OF DEVELOPMENT WHICH WOULD BE APPROPRIATE FOR THE KAILUA VILLAGE AREA.			
PLANS		125	
TOTAL FUNDING	COH	125 C	C"

(13) By adding a new section to read as follows:

"SECTION 244A. Any law to the contrary notwithstanding, the appropriations under Section 280 of Act 216, Session Laws of Hawaii 1987, as amended and renumbered by Act 390, Session Laws of Hawaii 1988, in the amounts indicated or balance thereof, are hereby lapsed:

Item No.	Amount (MOF)
TRN 501-39	$ 411,000 D
TRN 561-85	20,000 D
HTH 840-01	293,000 C
HTH 111-01	50,000 C
BUF 225-12	2,075,000 C
UOH 101-60	1,000 C
UOH 102-72	279,000 C
UOH 301-87	193,000 C
UOH 906-93	33,000 C
TRN 801-54A	90,000 D
DOC 402-03	3,813,000 A
DOC 903-06	42,000 C
AGS 221-20	204,000 C
ATG 801-30	50,000 C
AGR 192-16C	40,000 C
BED 120-19	8,000 C
UOH 106-80	1,368,000 C
TRN 801-57E	121,000 C
AGS 221-08A	365,000 C
AGS 221-21	369,000 C
AGS 221-28B	150,000 C
EDN 105-05	388,000 C
EDN 105-15	160,000 C
EDN 105-45H	50,000 C
EDN 105-45I	26,000 C
EDN 105-45J	195,000 C"

(14) By adding a new section to read as follows:

"SECTION 245A. Any law to the contrary notwithstanding, the appropriations under Section 2 of Act 217, Session Laws of Hawaii 1987, in the amounts indicated or balance thereof, are hereby lapsed:

Item No.	Amount (MOF)
HHL 602-11	$3,000 C
EDN 204-238	165,000 C
EDN 407-251	1,000 C
EDN 407-255	7,000 C
EDN 407-256	30,000 C
EDN 407-257	3,000 C
LNR 806-15	25,000 C
SUB 201-06	5,000 C
SUB 201-13	200,000 C
SUB 201-15	10,000 C
SUB 201-16	5,000 C
SUB 201-19	30,000 C
SUB 201-21	10,000 C
SUB 201-27	5,000 C
EDN 105-04	27,000 C
EDN 105-05	132,000 C
EDN 105-08	115,000 C
EDN 105-9A	217,000 C
EDN 105-10	20,000 C
EDN 105-11	24,000 C
EDN 105-13	90,000 C

EDN 105-14	50,000 C
EDN 105-15	40,000 C
EDN 105-17	3,000 C
EDN 105-22	30,000 C
EDN 105-24	40,000 C
EDN 105-25	40,000 C
EDN 105-26	60,000 C
EDN 105-27	10,000 C
EDN 105-28	25,000 C
EDN 105-29	30,000 C
EDN 105-30	39,000 C
EDN 105-32	105,000 C
EDN 105-33	31,000 C
EDN 105-34	25,000 C
EDN 105-35	8,000 C
EDN 105-36	6,000 C
EDN 105-37	20,000 C
EDN 105-38	10,000 C
EDN 105-39	40,000 C
EDN 105-40	49,000 C
EDN 105-41	30,000 C
EDN 105-42	8,000 C
EDN 105-44	10,000 C
EDN 105-45	5,000 C
EDN 105-46	5,000 C
EDN 105-47	7,000 C
EDN 105-48	10,000 C
EDN 105-49	30,000 C
EDN 105-50	20,000 C
EDN 105-51	100,000 C
EDN 105-52	10,000 C
EDN 105-53	50,000 C
EDN 105-55	170,000 C
EDN 105-57	23,000 C
EDN 105-58	60,000 C
EDN 105-59	44,000 C
EDN 105-61	60,000 C
EDN 105-64	56,000 C
EDN 105-65	50,000 C
EDN 105-66	100,000 C
EDN 105-68	88,000 C
EDN 105-69	174,000 C
EDN 105-70	87,000 C
EDN 105-72	5,000 C
EDN 105-74	20,000 C
EDN 105-75	100,000 C
EDN 105-78	60,000 C
EDN 105-79	75,000 C
EDN 105-80	30,000 C
EDN 105-82	74,000 C
EDN 105-83	35,000 C
EDN 105-84	45,000 C
EDN 105-85	23,000 C
EDN 105-87	40,000 C

EDN 105-88	1,000 C
EDN 105-89	6,000 C
EDN 105-93	40,000 C
EDN 105-94	30,000 C
EDN 105-101	50,000 C
EDN 105-105	10,000 C
EDN 105-106	20,000 C
EDN 105-108	33,000 C
EDN 105-109	20,000 C
EDN 105-110	17,000 C
EDN 105-112	109,000 C
EDN 105-114	120,000 C
EDN 105-116	20,000 C
EDN 105-117	15,000 C
EDN 105-119	3,000 C
EDN 105-120	4,000 C
EDN 105-121	100,000 C
EDN 105-122	3,000 C
EDN 105-124	20,000 C
EDN 105-125	84,000 C
EDN 105-126	15,000 C
EDN 105-128	70,000 C
EDN 105-133	40,000 C
EDN 105-134	20,000 C
EDN 105-135	33,000 C
EDN 105-138	250,000 C
EDN 105-140	22,000 C
EDN 105-141	11,000 C
EDN 105-143	8,000 C
EDN 105-144	22,000 C
EDN 105-145	29,000 C
EDN 105-147	55,000 C
EDN 105-148	8,000 C
EDN 105-149	5,000 C
EDN 105-152	20,000 C
EDN 105-157	30,000 C
EDN 105-159	40,000 C
EDN 105-160	42,000 C
EDN 105-161	5,000 C
EDN 105-162	5,000 C
EDN 105-163	28,000 C
EDN 105-168	10,000 C
EDN 105-170	5,000 C
EDN 105-172	300,000 C
EDN 105-176	15,000 C
EDN 105-177	35,000 C
EDN 105-178	296,000 C
EDN 105-179	2,000 C
EDN 105-180	26,000 C
EDN 105-182	15,000 C
EDN 105-186	35,000 C
EDN 105-188	4,000 C
EDN 105-190	30,000 C
EDN 105-192	250,000 C

EDN 105-194	9,000 C
EDN 105-195	30,000 C
EDN 105-198	50,000 C
EDN 105-202	20,000 C
EDN 105-203	32,000 C
EDN 105-205	20,000 C
EDN 105-206	5,000 C
EDN 105-207	22,000 C
EDN 105-208	25,000 C
EDN 105-210	26,000 C
EDN 105-212	32,000 C
EDN 105-213	10,000 C
EDN 105-214	10,000 C
EDN 105-215	81,000 C
EDN 105-216	10,000 C
EDN 105-217	10,000 C
EDN 105-219	8,000 C
EDN 105-220	8,000 C
EDN 203-221	50,000 C
EDN 203-222	100,000 C
EDN 203-225	450,000 C
EDN 203-226	19,000 C
EDN 204-227	30,000 C
EDN 204-230	4,000 C
EDN 204-231	16,000 C
EDN 204-233	12,000 C
EDN 204-236	125,000 C
EDN 204-239	27,000 C
EDN 305-240	40,000 C
EDN 305-241	6,000 C
EDN 305-243	8,000 C
EDN 305-244	45,000 C
EDN 305-245	85,000 C
EDN 305-246	5,000 C
EDN 305-248	26,000 C
TRN 501-6	25,000 D
TRN 501-7	72,000 D
TRN 501-12	5,000 D
TRN 501-13	52,000 D
TRN 511-31	30,000 D
TRN 531-34	51,000 D
TRN 531-38	30,000 D
TRN 801-18	7,000 C
TRN 801-20	2,000 C
TRN 801-23	2,000 C
SUB 401-42	210,000 C"

(15) By adding a new section to read as follows:

"SECTION 245B. Any law to the contrary notwithstanding, the appropriations under Section 2 of Act 2, Special Session, Session Laws of Hawaii 1988, in the amounts indicated or balance thereof, are hereby lapsed:

Item No.	Amount (MOF)
AGR 131-03	$ 75,000 A
TRN 501-4	40,000 A
TRN 501-05	20,000 A
TRN 501-07	25,000 A
TRN 501-11	2,000 A
TRN 551-36	32,000 A
EDN 407-221	18,000 A
EDN 407-222	60,000 A
LNR 806-03	325,000 A
LNR 806-05	40,000 A
LNR 806-10	45,000 A
LNR 806-11	10,000 A
LNR 806-15	50,000 A
TRN 801-19	38,000 A
TRN 801-22	10,000 A
TRN 801-23	20,000 A
TRN 801-24	40,000 A
TRN 801-25	145,000 A
DEF 110-02	2,000 A
SUB 201-11	1,000 A
SUB 201-15	50,000 A
SUB 201-19	75,000 A
SUB 201-20	133,000 A
SUB 201-21	50,000 A
SUB 201-22	35,000 A
SUB 201-23	26,000 A
SUB 201-24	20,000 A
SUB 201-25	68,000 A
SUB 201-26	250,000 A
SUB 201-28	50,000 A
SUB 201-29	24,000 A
SUB 201-30	3,000 A
SUB 201-31	2,000 A
AGS 221-3	10,000 A
AGS 221-6	60,000 A
AGS 221-8	10,000 A
EDN 105-3	20,000 A
EDN 105-4	8,000 A
EDN 105-5	14,000 A
EDN 105-6	25,000 A
EDN 105-8	77,000 A
EDN 105-9	4,000 A
EDN 105-10	2,000 A
EDN 105-11	30,000 A
EDN 105-13	25,000 A
EDN 105-14	21,000 A
EDN 105-15	44,000 A
EDN 105-17	25,000 A
EDN 105-18	20,000 A
EDN 105-19	70,000 A
EDN 105-21	4,000 A
EDN 105-22	9,000 A
EDN 105-23	26,000 A

EDN 105-25	27,000 A
EDN 105-26	14,000 A
EDN 105-27	5,000 A
EDN 105-28	19,000 A
EDN 105-34	6,000 A
EDN 105-35	51,000 A
EDN 105-36	33,000 A
EDN 105-37	103,000 A
EDN 105-40	100,000 A
EDN 105-42	20,000 A
EDN 105-43	8,000 A
EDN 105-44	33,000 A
EDN 105-45	30,000 A
EDN 105-47	40,000 A
EDN 105-48	25,000 A
EDN 105-49	6,000 A
EDN 105-50	10,000 A
EDN 105-51	8,000 A
EDN 105-53	50,000 A
EDN 105-54	15,000 A
EDN 105-56	20,000 A
EDN 105-58	50,000 A
EDN 105-59	25,000 A
EDN 105-60	20,000 A
EDN 105-61	95,000 A
EDN 105-63	10,000 A
EDN 105-65	100,000 A
EDN 105-67	100,000 A
EDN 105-68	4,000 A
EDN 105-70	50,000 A
EDN 105-71	25,000 A
EDN 105-72	50,000 A
EDN 105-73	30,000 A
EDN 105-74	40,000 A
EDN 105-75	15,000 A
EDN 105-76	50,000 A
EDN 105-77	100,000 A
EDN 105-78	150,000 A
EDN 105-81	25,000 A
EDN 105-82	25,000 A
EDN 105-84	35,000 A
EDN 105-86	20,000 A
EDN 105-88	25,000 A
EDN 105-89	39,000 A
EDN 105-91	50,000 A
EDN 105-92	25,000 A
EDN 105-95	26,000 A
EDN 105-96	10,000 A
EDN 105-99	60,000 A
EDN 105-100	25,000 A
EDN 105-101	49,000 A
EDN 105-104	104,000 A
EDN 105-106	75,000 A
EDN 105-107	75,000 A

EDN 105-110	15,000 A
EDN 105-111	12,000 A
EDN 105-112	48,000 A
EDN 105-113	37,000 A
EDN 105-115	12,000 A
EDN 105-116	1,000 A
EDN 105-118	41,000 A
EDN 105-119	1,000 A
EDN 105-121	30,000 A
EDN 105-123	21,000 A
EDN 105-124	9,000 A
EDN 105-125	57,000 A
EDN 105-126	16,000 A
EDN 105-127	3,000 A
EDN 105-130	15,000 A
EDN 105-136	200,000 A
EDN 105-137	6,000 A
EDN 105-139	34,000 A
EDN 105-142	70,000 A
EDN 105-143	100,000 A
EDN 105-144	2,000 A
EDN 105-145	50,000 A
EDN 105-146	115,000 A
EDN 105-147	7,000 A
EDN 105-148	20,000 A
EDN 105-149	38,000 A
EDN 105-150	200,000 A
EDN 105-151	8,000 A
EDN 105-152	10,000 A
EDN 105-153	11,000 A
EDN 105-155	50,000 A
EDN 105-156	50,000 A
EDN 105-157	24,000 A
EDN 105-158	31,000 A
EDN 105-159	25,000 A
EDN 105-161	74,000 A
EDN 105-162	50,000 A
EDN 105-163	35,000 A
EDN 105-164	25,000 A
EDN 105-165	25,000 A
EDN 105-166	61,000 A
EDN 105-167	40,000 A
EDN 105-169	10,000 A
EDN 105-171	20,000 A
EDN 105-172	2,000 A
EDN 107-173	55,000 A
EDN 203-175	30,000 A
EDN 203-176	10,000 A
EDN 203-177	4,000 A
EDN 203-178	78,000 A
EDN 203-179	25,000 A
EDN 204-180	106,000 A
EDN 204-182	16,000 A
EDN 204-183	9,000 A

EDN 204-184	34,000 A
EDN 204-186	5,000 A
EDN 204-188	20,000 A
EDN 204-190	100,000 A
EDN 204-192	75,000 A
EDN 204-193	74,000 A
EDN 204-202	10,000 A
EDN 204-203	13,000 A
EDN 204-204	400,000 A
EDN 204-205	150,000 A
EDN 305-206	2,000 A
EDN 305-207	10,000 A
EDN 305-208	18,000 A
EDN 305-209	37,000 A
EDN 305-210	8,000 A
EDN 305-211	70,000 A
EDN 305-212	25,000 A
EDN 305-213	66,000 A
EDN 305-214	7,000 A
EDN 305-215	20,000 A
EDN 305-216	4,000 A
EDN 305-217	30,000 A
EDN 305-218	4,000 A
EDN 305-219	28,000 A
SUB 401-53	500,000 A"

SECTION 8. Part VI, Act 316, Session Laws of Hawaii 1989, is amended by adding a new section to read as follows:

"SECTION 249A. HOUSING REVENUE BONDS. The department of budget and finance is authorized to issue housing revenue bonds for housing capital investment projects authorized in Part II and listed in Part IV of this Act and designated to be financed by revenue bond funds in such principal amounts as shall be required to yield the amounts appropriated for such capital investments, plus, if so determined by the department and approved by the governor, such additional amounts as may be deemed necessary by the department to increase reserves for the housing revenue bonds and to pay the expenses of issuance of such bonds. The aforementioned housing revenue bonds shall be issued pursuant to the provisions of part III of chapter 39, Hawaii Revised Statutes, as the same may be amended from time to time. The principal and interest of housing revenue bonds, to the extent not paid from the proceeds of such bonds, shall be payable solely from and secured solely by revenues from housing and related facilities under the ownership of the State or operated and managed by the department or such parts of either thereof as the department may determine, including rents and other fees or charges presently or hereafter derived from or arising through the ownership, operation, and management of housing and related facilities."

SECTION 9. Part VII, Act 316, Session Laws of Hawaii 1989, is amended as follows:

(1) By adding a new section to read as follows:

"SECTION 260A. Provided that for all appropriation provisions under part III and part IV of this Act, funds provided under any section shall be held

separate and apart from all other funds appropriated to the program, department or agency, provided further that

(1) These funds shall be used for only the specific purpose stated in the language of the appropriating section or item, and shall not be diverted, transferred, otherwise used for any other purpose until the requirements of the appropriating section or item have been satisfied, and

(2) Upon satisfying the requirements of paragraph (1), the governor, or the director of finance if so delegated by the governor, may transfer any remaining funds between appropriations within an expending agency for operating purposes "

(2) By adding a new section to read as follows

"SECTION 260B Provided that in order to determine the effectiveness of the methods used by the executive branch to encourage more efficient state operations, the legislative auditor shall conduct a study of the methods used by the executive branch also known as "efficiency reserves", "restrictions", and "turnover savings", provided further that this study shall include but not be limited to

(1) An assessment of the rationale behind the processes,

(2) A review of the actual process itself from planning to execution,

(3) A review of the actions taken by the departments in response to the measures,

(4) An assessment of the effectiveness of the process in achieving intended goals,

provided further that the office of the legislative auditor shall submit a report of its findings and recommendations to the legislature at least twenty days prior to the convening of the 1991 regular session "

SECTION 10 If any portion of this Act or its application to any person, entity or circumstance is held to be invalid for any reason, then the legislature hereby declares that the invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be expended to fulfill the objectives of such appropriation to the extent possible

SECTION 11 In the event manifest clerical, typographical or other mechanical errors are found in this Act, the governor is hereby authorized to correct such errors All changes made pursuant to this section shall be reported to the legislature at its next session

SECTION 12 Statutory material to be repealed is bracketed New statutory material is underscored In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring Nothing in this Act shall affect the validity or continuing effectiveness of any provisions of Act 316, Session Laws of Hawaii 1989, not repealed or modified by this Act [1]

SECTION 13 This Act shall take effect on approval

(Approved June 26 1990)

Note

1 Edited accordingly

ACT 300

S.B. NO. 2159

A Bill for an Act Relating to Capital Improvement Projects.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act shall be known and may be cited as the General Improvements Act of 1990.

SECTION 2. The following sums, or so much thereof as shall be sufficient to finance the projects listed in this Act, are appropriated or authorized, as the case may be, for fiscal year 1990-1991, to be expended by the department of accounting and general services, unless otherwise specified, out of moneys in the treasury received from general funds:

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
ECONOMIC DEVELOPMENT							
BED120		**- ENERGY DEVELOPMENT AND MANAGEMENT**					
1.	SP0205	OCEAN THERMAL ENERGY CONVERSION (OTEC) SYSTEM, HAWAII					
		PLANS AND DESIGN FOR A OCEAN THERMAL ENERGY CONVERSION (OTEC) HYBRID SYSTEM IN KONA, HAWAII.					
		PLANS				25	
		DESIGN				75	
		TOTAL FUNDING	BED		A	100A	
TRANSPORTATION FACILITIES							
TRN114		**- KE-AHOLE AIRPORT FACILITIES AND SERVICES**					
1.	JS0217	ELLISON S. ONIZUKA SPACE CENTER, HAWAII					
		EQUIPMENT FOR THE SPACE CENTER.					
		EQUIPMENT				100	
		TOTAL FUNDING	TRN		A	100A	
TRN501		**- OAHU HIGHWAYS AND SERVICES**					
2.	HP3001	ALA MOANA BLVD, OAHU					
		DESIGN AND CONSTRUCTION FOR LANDSCAPING THE AREA IN THE MEDIAL STRIP AND POSSIBLE ROADSIDE AREAS OF ALA MOANA BOULEVARD BETWEEN ATKINSON DRIVE AND KALAKAUA AVENUE.					
		DESIGN				75	
		CONSTRUCTION				36	
		TOTAL FUNDING	TRN		A	111A	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
3	JP2039	BOUGAINVILLE DRIVE AND LAWEHANA STREET TRAFFIC SIGNAL LIGHT OAHU					
		PLANS, DESIGN AND CONSTRUCTION OF A TRAFFIC SIGNAL LIGHT AT THE INTERSECTION OF BOUGAINVILLE AND LAWEHANA STREET					
		PLANS				1	
		DESIGN				19	
		CONSTRUCTION				155	
		TOTAL FUNDING	TRN		A	175	A
4	SP0901	CASTLE JUNCTION, PALI HIGHWAY/ KAMEHAMEHA HIGHWAY, OAHU					
		DESIGN AND CONSTRUCTION OF ADDITIONAL LEFT-TURN LANE FROM PALI HIGHWAY ONTO KAMEHAMEHA HIGHWAY AT CASTLE JUNCTION					
		DESIGN				45	
		CONSTRUCTION				210	
		TOTAL FUNDING	TRN		A	255	A
5	HP1301	DRAINAGE IMPROVEMENTS, OAHU					
		PLANS AND DESIGN FOR A DRAINAGE SYSTEM IN THE VICINITY OF KARSTEN DRIVE AND CALIFORNIA AVENUE					
		PLANS				25	
		DESIGN				25	
		TOTAL FUNDING	TRN		A	50	A
6	HP4502	FARRINGTON HIGHWAY, OAHU					
		DESIGN AND CONSTRUCTION FOR BEAUTIFYING FARRINGTON HIGHWAY WITH SHRUBBERY AND TREES FROM WAIPAHU HIGH SCHOOL TO KUNIA ROAD					
		DESIGN				1	
		CONSTRUCTION				9	
		TOTAL FUNDING	TRN		A	10	A
7	HP4903	FARRINGTON HIGHWAY, OAHU					
		CONSTRUCTION FOR A CROSSWALK AND SIGNS AT THE INTERSECTION OF FARRINGTON HIGHWAY AND PUHANO STREET					
		CONSTRUCTION				3	
		TOTAL FUNDING	TRN		A	3	A
8	HP1504	KAALAEA STREAM WALKWAY, OAHU					
		DESIGN AND CONSTRUCTION OF A PEDESTRIAN WALKWAY OVER KAALAEA STREAM					
		DESIGN				5	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		CONSTRUCTION					35
		TOTAL FUNDING	TRN		A		40A
9.	JP0815	KAHEKILI HIGHWAY INTERSECTION IMPROVEMENTS, OAHU					
		DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE KAHEKILI/ AHUIMANU ROAD INTERSECTION AND KAHEKILI/AHAOLELO ROAD INTERSECTION.					
		DESIGN					30
		CONSTRUCTION					160
		TOTAL FUNDING	TRN		A		190A
10.	HP1705	KANEOHE BAY DRIVE, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS TO KANEOHE BAY DRIVE.					
		PLANS					5
		DESIGN					5
		CONSTRUCTION					30
		TOTAL FUNDING	TRN		A		40A
11.	JH4801	LEIHOKU ELEMENTARY, OAHU					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR SIDEWALKS ON BOTH SIDES OF LUALUALEI HOMESTEAD ROAD FROM MILL STREET TO ENTRANCE OF LEIHOKU ELEMENTARY AND TWO FLASHING SIGNAL LIGHTS.					
		PLANS					10
		DESIGN					10
		CONSTRUCTION					60
		EQUIPMENT					20
		TOTAL FUNDING	LNR		A		100A
12.	HP3307	PALI HIGHWAY, OAHU					
		DESIGN AND CONSTRUCTION FOR THE RECONSTRUCTION OF SUBMERGED SIDEWALK ON PALI HIGHWAY FROM HAWAII BAPTIST ACADEMY TO THE PHILLIPINE CONSULATE.					
		DESIGN					8
		CONSTRUCTION					32
		TOTAL FUNDING	TRN		A		40A
13.	HP0109	PUBLIC PARKING LOT, IMPROVEMENTS, HAWAII					
		CONSTRUCTION FOR A PUBLIC PARKING LOT AT KAWA BAY NEAR NAALEHU, HAWAII.					
		CONSTRUCTION					20
		TOTAL FUNDING	TRN		A		20A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
14	HP2006	WAIMANALO GUARDRAIL, OAHU					
		CONSTRUCTION TO INSTALL 20-40 FEET OF GUARDRAIL ON HIHIMANU STREET MAUKA OF OLUOLU STREET ON THE MAKAPUU SIDE OF HIHIMANU STREET					
		CONSTRUCTION				2	
		TOTAL FUNDING	TRN		A	2A	
15	HP2001	WAIMANALO FLOOD ALEVIATION, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR WELLS AND/OR DRAINAGE SYSTEMS TO ALLEVIATE FLOODING FRONTING THE POST OFFICE, BUSINESSES, AND HOMES ON KALANIANAOLE HIGHWAY FROM PUUONE STREET TO ALA KOA STREET IN WAIMANALO					
		PLANS				4	
		DESIGN				9	
		CONSTRUCTION				77	
		TOTAL FUNDING	TRN		A	90A	
16	HP2002	WAIMANALO STREET LAMPS, OAHU					
		PLANS, CONSTRUCTION, AND EQUIPMENT TO INSTALL STREET LAMPS ON, BUT NOT LIMITED TO, HIHIMANU STREET, MAHAILUA STREET AND HILU STREET, IN WAIMANALO					
		DESIGN				13	
		CONSTRUCTION				95	
		EQUIPMENT				2	
		TOTAL FUNDING	TRN		A	110A	
17	HP4506	WAIPAHU STREET, OAHU					
		DESIGN AND CONSTRUCTION OF SIX FOOT WIDE CONCRETE SIDEWALK WITH CURB AND GUTTERS ALONG BOUNDARIES OF WAIPAHU ELEMENTARY ON WAIPAHU STREET					
		DESIGN				15	
		CONSTRUCTION				135	
		TOTAL FUNDING	TRN		A	150A	
18	HP2903	YOUNG STREET IMPROVEMENTS, OAHU					
		CONSTRUCTION TO REPAIR ROAD SHOULDERS ON YOUNG STREET BETWEEN MCCULLY AND ISENBERG STREET					
		CONSTRUCTION				40	
		TOTAL FUNDING	TRN		A	40A	

TRN511 - HAWAII HIGHWAYS AND SERVICES

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
19.	JP0101	KEAAU-PAHOA ROAD, HAWAII					
		DESIGN AND CONSTRUCTION TO WIDEN AND/OR ADD NEW LANE, TRAFFIC SIGNAL IMPROVEMENTS, AND/OR SIDEWALK AND RETAINING WALL IN VICINITY OF KEAAU SCHOOL.					
		DESIGN				45	
		CONSTRUCTION				265	
		TOTAL FUNDING	TRN		A	310	A
20.	SP0103	STREET LIGHTS, FIRST SENATORIAL DISTRICT, HAWAII					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR STREET OR TRAFFIC LIGHTS AT VARIOUS INTERSECTIONS IN THE FIRST SENATORIAL DISTRICT, COUNTY OF HAWAII.					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				11	
		EQUIPMENT				1	
		TOTAL FUNDING	TRN		A	14	A
21.	HP0108	STREET LIGHTS IN THE FIRST HOUSE DISTRICT, HAWAII					
		CONSTRUCTION FOR ADDITIONAL STREET LIGHTS IN THE FIRST HOUSE DISTRICT.					
		CONSTRUCTION				15	
		TOTAL FUNDING	TRN		A	15	A
22.	HP0501	STREET LIGHTS FOR THE 5TH REPRESENTATIVE DISTRICT, HAWAII.					
		CONSTRUCTION FOR THE INSTALLATION OF STREET LIGHTS FOR THE FIFTH REPRESENTATIVE DISTRICT.					
		CONSTRUCTION				15	
		TOTAL FUNDING	TRN		A	15	A
23.	JH0301	ULULANI STREET IMPROVEMENT, HAWAII.					
		PLANS, LAND ACQUISITION, DESIGN AND CONSTRUCTION FOR ROAD AND OFF-SITE IMPROVEMENTS FOR A LOW INCOME, MULTI-FAMILY HOUSING PROJECT.					
		PLANS				1	
		LAND				1	
		DESIGN				10	
		CONSTRUCTION				363	
		TOTAL FUNDING	TRN		A	375	A
24.	HP0106	VOLCANO ROAD, HAWAII.					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		PLANS, DESIGN, AND COSTRUCTION FOR SAFETY IMPROVEMENTS IN THE VICINITY OF SLAUGHTER HOUSE ROAD, TO INCLUDE CURVE IMPROVEMENTS, SIGNING, STRIPPING, AND STREET LIGHT INSTALLATION					
		PLANS				2	
		DESIGN				1	
		CONSTRUCTION				17	
		TOTAL FUNDING	TRN		A	20	A
TRN531		**- MAUI HIGHWAYS AND SERVICES**					
25	SP0504	BICYCLE PATHS, MAUI					
		PLANS, DESIGN AND CONSTRUCTION OF BICYCLE PATHS ON MAUI					
		PLANS				25	
		DESIGN				25	
		CONSTRUCTION				50	
		TOTAL FUNDING	TRN		A	100	A
26	SP0402	HALEAKALA HIGHWAY AND PUKALANI TERRACE ROAD, MAUI					
		PLANS, DESIGN AND CONSTRUCTION OF A RIGHT TURN DECELERATION LANE AT HALEAKALA HIGHWAY AND PUKALANI TERRACE ROAD JUNCTION					
		PLANS				10	
		DESIGN				20	
		CONSTRUCTION				150	
		TOTAL FUNDING	TRN		A	180	A
ENVIRONMENTAL PROTECTION							
LNR404		**- WATER RESOURCES**					
1	HP2501	PALOLO VALLEY EXPLORATORY WELL, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR AN EXPLORATORY WELL AND RESERVOIR					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				238	
		TOTAL FUNDING	LNR		A	240	A
TRN903		**- COASTAL AREAS**					
2	SP1603	ALA MOANA PARK BEACH RESTORATION, OAHU					
		DESIGN AND CONSTRUCTION TO REPLENISH THE BEACH WHERE SAND HAS BEEN ERODED BY TIDAL AND WAVE ACTION					
		DESIGN				25	
		CONSTRUCTION				220	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		TOTAL FUNDING	TRN		A		245A
		HEALTH					
		HTH211 - HILO HOSPITAL					
1.		SP1803 HILO HOSPITAL, HAWAII					
		DESIGN AND CONSTRUCTION OF THE RENOVATION OF EXISTING FACILITIES AND PURCHASE OF EQUIPMENT FOR THE DENTAL FACILITY.					
		DESIGN					1
		CONSTRUCTION					48
		EQUIPMENT					1
		TOTAL FUNDING	AGS		A		50A
		HTH401 - COMMUNITY BASED SERVICES FOR MH					
2.		SP2501 FRIENDSHIP HOUSE, KAUAI					
		PLANS AND DESIGN OF A FRIENDSHIP HOUSE. (A PSYCHO-SOCIAL/PRE-VOCATIONAL TRAINING PROGRAM FOR THE SERIOUSLY DISABLED MENTALLY ILL.)					
		PLANS					5
		DESIGN					25
		TOTAL FUNDING	AGS		A		30A
		HTH907 - GENERAL ADMINISTRATION					
3.		JS0225 WAIAKEA HEALTH CENTER, HAWAII					
		CONSTRUCTION AND PURCHASE OF EQUIPMENT FOR NEW ENVIRONMENTAL HEALTH FACILITY.					
		CONSTRUCTION					150
		EQUIPMENT					50
		TOTAL FUNDING	AGS		A		200A
		SOCIAL SERVICES					
		HMS111 - SERVICES TO INDIVIDUALS AND FAMILIES					
1.		HP3206 BOYS AND GIRLS CLUB OF HONOLULU, OAHU					
		CONSTRUCTION FOR RENOVATIONS AND IMPROVEMENTS TO FACILITIES AND GROUNDS SPECIFICALLY TO CONSTRUCT A NEW FLOOR. (GRANT-IN-AID)					
		CONSTRUCTION					9
		TOTAL FUNDING	HMS		A		9A
2.		HP3410 KALANIHUIA ELDERLY HOUSING PROJECT, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		CONSTRUCTION FOR THREE PARKING LIGHTS					
		CONSTRUCTION					16
		TOTAL FUNDING	HMS		A		16A
3	JP3417	KALANIHUIA ELDERLY HOUSING PROJECT, OAHU					
		CONSTRUCTION FOR ELECTRIC SLIDING ENTERPHONE DOOR AND RELOCATION OF THE ENTERPHONE PANEL					
		CONSTRUCTION					15
		TOTAL FUNDING	HMS		A		15A
HMS220	**- RENTAL HOUSING AUGMENTATION AND ASSISTANCE**						
4	JH5001	HALE NANI KAI O KEA, KAUAI					
		DESIGN AND CONSTRUCTION FOR THE INSTALLATION OF REAR SCREEN DOORS					
		DESIGN					1
		CONSTRUCTION					13
		TOTAL FUNDING	HMS		A		14A
5	HP0502	HAWAII HOUSING AUTHORITY IMPROVEMENTS, HAWAII					
		CONSTRUCTION OF VARIOUS IMPROVEMENTS TO THE FOLLOWING PUBLIC HOUSING PROJECTS IN THE FIFTH REPRESENTATIVE DISTRICT KA HALE KAHALUU, KEALAKEHE, HALE HOOKIPA AND NANI OLU					
		CONSTRUCTION					23
		TOTAL FUNDING	HMS		A		23A
6	JH5002	HUI O HANAMAULU, KAUAI					
		DESIGN AND CONSTRUCTION FOR THE REPLACEMENT OF LAUNDRY TRAYS (SINKS)					
		DESIGN					2
		CONSTRUCTION					17
		TOTAL FUNDING	HMS		A		19A
7	HP3902	KAAHUMANU HOUSING, OAHU					
		PLANS, DESIGN CONSTRUCTION, AND EQUIPMENT OF A SPRINKLER SYSTEM AND GENERAL IMPROVEMENTS AND LANDSCAPING					
		PLANS					1
		DESIGN					2
		CONSTRUCTION					26
		EQUIPMENT					1
		TOTAL FUNDING	HMS		A		30A
8	SP2402	KAHUMANA ELDERLY HOME, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		DESIGN AND CONSTRUCTION TO RENOVATE BARN INTO A SHOP AND WORK AREA.					
		DESIGN				1	
		CONSTRUCTION				79	
		TOTAL FUNDING	HMS		A		80A
9.	HP3605	MAYOR WRIGHT HOMES, OAHU.					
		DESIGN AND CONSTRUCTION FOR GROUND IMPROVEMENTS AT MAYOR WRIGHT, HAWAII.					
		DESIGN				1	
		CONSTRUCTION				5	
		TOTAL FUNDING	HMS		A		6A
10.	HP3604	MAYOR WRIGHT HOMES, OAHU.					
		PLANS, DESIGN, AND CONSTRUCTION FOR INSTALLATION OF GUTTERS AND DOWNSPOUTS.					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				58	
		TOTAL FUNDING	HMS		A		60A
11.	HP3701	RENTAL HOUSING AUGMENTATION AND ASSISTANCE, OAHU.					
		PLANS, DESIGN, AND CONSTRUCTION FOR A RETAINING WALL TO STOP EROSION BEHIND BUILDINGS AT KALIHI VALLEY HOMES, OAHU.					
		PLANS				5	
		DESIGN				5	
		CONSTRUCTION				40	
		TOTAL FUNDING	HMS		A		50A
12.	SP1602	KALAKAUA HOMES, OAHU					
		DESIGN AND CONSTRUCTION FOR THE INSTALLATION OF SECURITY SCREEN DOORS.					
		DESIGN				15	
		CONSTRUCTION				140	
		TOTAL FUNDING	HMS		A		155A
13.	JP2449	WAIMAHA SUNFLOWER, OAHU					
		CONSTRUCTION FOR THE INSTALLATION OF A SPRINKLER SYSTEM.					
		CONSTRUCTION				100	
		TOTAL FUNDING	HMS		A		100A
HMS229 - HOUSING ASSISTANCE ADMINISTRATION							
14.	SP1704	AALA PARK PUBLIC HOUSING, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		DESIGN AND CONSTRUCTION FOR RENOVATION TO INSTALL AN AUTOMATIC SLIDING ENTRANCE DOOR TO HIGHRISE HOUSING AT KALANIHUIA, AALA PARK					
		DESIGN					1
		CONSTRUCTION					14
		TOTAL FUNDING	HMS		A		15A
15	HP4714	CHILD & FAMILY SERVICE- OAHU SHELTER FOR ABUSED WOMEN & CHILDREN					
		PLANS AND DESIGN FOR AN ADDITIONAL SHELTER ON OAHU IN LEEWARD/ CENTRAL OAHU					
		PLANS					12
		DESIGN					13
		TOTAL FUNDING	HMS		A		25A
16	HP3202	KALAKAUA HOMES, OAHU					
		CONSTRUCTION FOR RENOVATIONS AND IMPROVEMENTS TO FACILITIES AND GROUNDS SPECIFICALLY TO INSTALL A CHAINLINK FENCE					
		CONSTRUCTION					50
		TOTAL FUNDING	HMS		A		50A
17	HP3204	MAKUA ALII, OAHU					
		CONSTRUCTION FOR RENOVATIONS AND IMPROVEMENTS TO FACILITIES AND GROUNDS SPECIFICALLY TO RESURFACE AND RESEAL THE PARKING LOT					
		CONSTRUCTION					59
		TOTAL FUNDING	HMS		A		59A
18	HP3203	PAOAKALANI, OAHU					
		CONSTRUCTION FOR RENOVATIONS AND IMPROVEMENTS TO FACILITIES AND GROUNDS, SPECIFICALLY TO RESURFACE AND RESEAL THE PARKING LOT					
		CONSTRUCTION					59
		TOTAL FUNDING	HMS		A		59A
19	SP0703	KAPUNA HOME 'O WAIALUA, OAHU					
		DESIGN AND CONSTRUCTION OF SEWAGE TREATMENT PLANT					
		DESIGN					8
		CONSTRUCTION					77
		TOTAL FUNDING	HMS		A		85A
20	SP1804	TEMPORARY SHELTERS FOR THE HOMELESS, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		LAND ACQUISITION FOR THE CONSTRUCTION OF TEMPORARY SHELTER FACILITIES FOR THE HOMELESS.					
		LAND					100
		TOTAL FUNDING	HMS		A		100A
HHL602		**- PLANNG, DEV, MGT & GEN SPPT FOR HAWN HMSTDS**					
21.	JP2448	HALE OLA H0'OPAKOLEA HEALTH CENTER, NANAKULI, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR THE DEMOLITION OF EXISTING STRUCTURE AND CONSTRUCTION OF A NEW HEALTH CENTER BUILDING INCLUDING SEWER AND WATER HOOKUP AND OTHER IMPROVEMENTS.					
		PLANS					2
		DESIGN					25
		CONSTRUCTION					125
		TOTAL FUNDING	HHL		A		152A
22.	SP2408	LUALUALEI HOMESTEAD ROAD, OAHU					
		DESIGN AND CONSTRUCTION OF SIDEWALK, STREETLIGHTS, FROM FARRINGTON HWY. TO THE END OF KAWILI ROAD, (TWO FLASHING AMBERLIGHTS FOR LEIHOKU ELEMENTARY SCHOOL ZONE); SIDEWALKS BOTH SIDE OF ROAD FOR A DISTANCE OF 3/4 MILES ON LUALUALEI HOMESTEAD ROAD; AND STREET LIGHTS ON BOTH SIDES OF ROAD FOR 3/4 MILES DISTANCE.					
		DESIGN					10
		CONSTRUCTION					110
		TOTAL FUNDING	HHL		A		120A
23.	SP1701	PAPAKOLEA HAWAIIAN HOME LANDS, OAHU					
		DESIGN AND CONSTRUCTION OF CURBING, SIDEWALKS AND SIDEWALK CUTS/DRIVEWAYS AT KAUHANI, JAUKEA AND TANTALUS BLOCKS (PAPAKOLEA) TO PREVENT WATER RUN-OFF FROM TANTALUS FROM FLOODING HOUSELOTS.					
		DESIGN					5
		CONSTRUCTION					26
		TOTAL FUNDING	HHL		A		31A
24.	SP0403	PAUKUKALO COMMUNITY CENTER, MAUI					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR THE EXPANSION AND IMPROVEMENTS TO THE COMMUNITY CENTER AT PAUKUKALO, MAUI.					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		DESIGN				1	
		CONSTRUCTION				198	
		EQUIPMENT				1	
		TOTAL FUNDING	HHL		A	200	A
25	SP0505	WATER DEVELOPMENT OF HAWAIIAN HOME LANDS, MAUI					
		CONSTRUCTION TO DEVELOP WATER RESOURCES TO EXPEDITE THE PLACEMENT OF NATIVE HAWAIIANS OF HAWAIIAN HOME LANDS IN MAUI COUNTY					
		CONSTRUCTION				50	
		TOTAL FUNDING	HHL		A	50	A
GOV602	**- ELDERLY**						
26	SP0102	KONA SENIOR CENTER, HAWAII					
		PLANS, INCLUDING SITE SELECTION, FOR A SENIOR CITIZEN'S CENTER IN OR NEAR KAILUA-KONA					
		PLANS				25	
		TOTAL FUNDING	AGS		A	25	A
27	JP1736	LANAKILA SENIOR CENTER, OAHU					
		DESIGN AND CONSTRUCTION OF FIRE PROTECTION FOR EXISTING GO ROOM, SEWING ROOM AND RECREATION ROOM					
		DESIGN				15	
		CONSTRUCTION				99	
		TOTAL FUNDING	AGS		A	114	A
28	SP1805	LANAKILA SENIOR CENTER, OAHU					
		DESIGN AND CONSTRUCTION FOR THE INCREMENTAL EXPANSION OF RECREATIONAL AREAS					
		DESIGN				10	
		CONSTRUCTION				75	
		TOTAL FUNDING	AGS		A	85	A
29	HP3408	LANAKILA SENIOR CENTER, OAHU					
		DESIGN FOR THE EXPANSION OF THE SEWING ROOM					
		DESIGN				18	
		TOTAL FUNDING	AGS		A	18	A
FORMAL EDUCATION							
EDN105	**- REGULAR INSTRUCTION PROGRAM**						
1	HP1502	AHUIMANU ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION FOR A PLAY COURT					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		DESIGN				10	
		CONSTRUCTION				130	
		TOTAL FUNDING	AGS		A	140	A
2.	HP4109	AIEA ELEMENTARY, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR TELECOMMUNICATION CONDUITS.					
		PLANS				1	
		DESIGN				3	
		CONSTRUCTION				32	
		TOTAL FUNDING	AGS		A	36	A
3.	JH4102	AIEA HIGH, OAHU					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE PURCHASE AND INSTALLATION OF BLEACHERS IN THE GYMNASIUM.					
		DESIGN				15	
		CONSTRUCTION				73	
		EQUIPMENT				2	
		TOTAL FUNDING	AGS		A	90	A
4.	HP4105	AIEA HIGH, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR P.E. ROOM LOCKER REPLACEMENT					
		PLANS				1	
		DESIGN				2	
		CONSTRUCTION				17	
		TOTAL FUNDING	AGS		A	20	A
5.	HP1905	AIKAHI ELEMENTARY, OAHU					
		CONSTRUCTION FOR THE INSTALLATION OF LOUVERED WINDOWS.					
		CONSTRUCTION				10	
		TOTAL FUNDING	AGS		A	10	A
6.	HP2202	AINA HAINA ELEMENTARY SCHOOL, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR A COVERED WALKWAY BETWEEN BUILDINGS D AND E.					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				23	
		TOTAL FUNDING	AGS		A	25	A
7.	JP2312	AINA HAINA ELEMENTARY, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION TO REPLACE LOUVERS IN BUILDING A AND E, OFFICE, CAFETERIA, AND TO ENCLOSE CLASSROOM LANAIS.					
		PLANS				10	
		DESIGN				10	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		CONSTRUCTION					60
		EQUIPMENT					5
		TOTAL FUNDING	AGS		A		85A
8	SP2106 AIEA HIGH, OAHU						
		DESIGN AND EQUIPMENT TO PURCHASE AND INSTALL BLEACHERS IN GYMNASIUM					
		DESIGN					29
		EQUIPMENT					179
		TOTAL FUNDING	AGS		A		208A
9	SP2501 ALIAMANU ELEMENTARY, OAHU						
		PLANS, DESIGN AND CONSTRUCTION OF A PAVED AREA FOR PLAYGROUND					
		PLANS					5
		DESIGN					10
		CONSTRUCTION					95
		TOTAL FUNDING	AGS		A		110A
10	HP4001 ALIAMANU ELEMENTARY, OAHU						
		DESIGN AND CONSTRUCTION FOR THE INSTALLATION OF ONE PORTABLE CLASSROOM BUILDING					
		DESIGN					1
		CONSTRUCTION					89
		TOTAL FUNDING	AGS		A		90A
11	HP3906 ALIAMANU INTERMEDIATE, OAHU						
		PLANS DESIGN, AND CONSTRUCTION FOR SOUNDPROOFING AND AIR CONDITIONING OF TWO CLASSROOM BUILDINGS					
		PLANS					1
		DESIGN					4
		CONSTRUCTION					45
		TOTAL FUNDING	AGS		A		50A
12	SP2214 AUGUST AHRENS ELEMENTARY, OAHU						
		DESIGN AND CONSTRUCTION FOR CHAIN LINK GATES AT ALL ENTRY WAYS INCLUDING ROAD TO PARKING LOT					
		DESIGN					1
		CONSTRUCTION					9
		TOTAL FUNDING	AGS		A		10A
13	JH4108 MOKULELE ELEMENTARY, OAHU						
		PLANS AND CONSTRUCTION FOR LIBRARY AIR CONDITIONING					
		PLANS					20
		CONSTRUCTION					76

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		TOTAL FUNDING	AGS		A		96A
14.	JP2347	BARBERS POINT ELEMENTARY, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR THE RESURFACING OF DRIVEWAY PARKING LOT, TO INCLUDE ADDITIONAL CURBING.					
		PLANS				2	
		DESIGN				2	
		CONSTRUCTION				36	
		TOTAL FUNDING	AGS		A		40A
15.	JP2347	BARBERS POINT ELEMENTARY, OAHU					
		PLANS, DESIGN AND CONSTRUCTION TO INSTALL SECURITY SCREENS FOR COMPUTER ROOM.					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				3	
		TOTAL FUNDING	AGS		A		5A
16.	HP4604	CAMPBELL HIGH, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR THE INSTALLATION OF AIR CONDITIONING IN VARIOUS CLASSROOMS.					
		PLANS				1	
		DESIGN				4	
		CONSTRUCTION				42	
		TOTAL FUNDING	AGS		A		47A
17.	HP4602	CAMPBELL HIGH, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR THE RELOCATION OF THE LONG JUMP/ POLE VAULT FACILITY.					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				8	
		TOTAL FUNDING	AGS		A		10A
18.	HP4504	KALEI'OPU'U ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION TO INSTALL TWO CHAIN LINK PERSONNEL GATES ADJACENT TO THE ENTRY AND EXIT OF THE PARKING LOT.					
		DESIGN				2	
		CONSTRUCTION				2	
		TOTAL FUNDING	AGS		A		4A
19.	SP0802	CASTLE HIGH, OAHU					
		EQUIPMENT FOR THE CASTLE HIGH SCHOOL THEATRE					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		EQUIPMENT					20
		TOTAL FUNDING	AGS		A		20A
20	SP0803	CASTLE HIGH, OAHU					
		WEIGHTS AND EQUIPMENT FOR THE NEW WEIGHT ROOM					
		EQUIPMENT					15
		TOTAL FUNDING	AGS		A		15A
21	SP0904	CASTLE HIGH, OAHU					
		DESIGN AND CONSTRUCTION OF A CHAIN LINK FENCE AROUND SCHOOL PERIMETER					
		DESIGN					10
		CONSTRUCTION					77
		TOTAL FUNDING	AGS		A		87A
22	HP1703	CASTLE HIGH, OAHU					
		DESIGN AND CONSTRUCTION FOR A NOISE ABATEMENT SYSTEM FOR CLASSROOMS 43, 44, 45 AND 46					
		DESIGN					1
		CONSTRUCTION					19
		TOTAL FUNDING	AGS		A		20A
23	JP2346	CAMPBELL HIGH, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR GATES AT AUTOMOBILE ENTRANCE FOR ROADWAY TO FOOTBALL FIELD					
		PLANS					1
		DESIGN					1
		CONSTRUCTION					5
		TOTAL FUNDING	AGS		A		7A
24	JP2347	CAMPBELL HIGH, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR INSTALLATION OF A RANGE HOOD AND INSTALLATION OF A SHUT OFF VALVE TO THE GAS RANGE IN THE HOME ECONOMICS KITCHEN					
		PLANS					2
		DESIGN					4
		CONSTRUCTION					39
		TOTAL FUNDING	AGS		A		45A
25	JP1735	CENTRAL INTERMEDIATE, OAHU					
		CONSTRUCTION TO PAINT EXTERIOR OF SCHOOL					
		DESIGN					5
		CONSTRUCTION					130
		TOTAL FUNDING	AGS		A		135A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
26.	HP3406	CENTRAL INTERMEDIATE, OAHU					
		CONSTRUCTION FOR THE REPAIR OF THE CHAIN-LINKED FENCE ON THE VINEYARD BOULEVARD, QUEEN EMMA STREET AND KUKUI STREET SIDES OF THE SCHOOL CAMPUS.					
		CONSTRUCTION				20	
		TOTAL FUNDING	AGS		A	20A	
27.	HP3702	DOLE INTERMEDIATE, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR CHAIN LINK FENCING FOUR FOOT HIGH BY SIX HUNDRED FEET, TO SEPARATE SCHOOL GROUNDS (DOLE INTERMEDIATE), FROM KALIHI VALLEY RECREATION CENTER. INSTALL SECURITY GRATE SCREENS FOR FIVE BUILDING BATHROOMS, THREE BATHROOMS PER BUILDING.					
		PLANS				2	
		DESIGN				2	
		CONSTRUCTION				40	
		TOTAL FUNDING	AGS		A	44A	
28.	JH3907	FARRINGTON HIGH, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR A NEW RESTROOM IN THE CAFETERIA.					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				48	
		TOTAL FUNDING	AGS		A	50A	
29.	HP3803	FERN ELEMENTARY, OAHU					
		PLAN, DESIGN, AND CONSTRUCTION FOR UNRESTRICTED CAPITAL IMPROVEMENT PROJECTS AT THE SCHOOL.					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				33	
		TOTAL FUNDING	AGS		A	35A	
30.	HP3806	FORT SHAFTER ELEMENTARY, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR UNRESTRICTED CAPITAL IMPROVEMENT PROJECTS AT THE SCHOOL.					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				33	
		TOTAL FUNDING	AGS		A	35A	
31.	JP3408	HAAHEO ELEMENTARY, HAWAII					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
	DESIGN AND CONSTRUCTION TO EXPAND PAVED PARKING AREA FOR 20 VEHICLES						
		DESIGN					4
		CONSTRUCTION					76
		TOTAL FUNDING	AGS		A		80A
32	HP2205	HAHAIONE ELEMENTARY OAHU					
	PLANS, DESIGN, AND CONSTRUCTION FOR COVERED WALKWAYS AT THE SCHOOL						
		PLANS					1
		DESIGN					2
		CONSTRUCTION					21
		TOTAL FUNDING	AGS		A		24A
33	HP1409	HALEIWA ELEMENTARY, OAHU					
	CONSTRUCTION FOR A CHAIN LINK FENCING APPROXIMATELY THREE FEET BY THREE HUNDRED FEET ADJACENT TO EXISTING PARKING AREA						
		CONSTRUCTION					6
		TOTAL FUNDING	AGS		A		6A
34	HP1408	HALEIWA ELEMENTARY, OAHU					
	DESIGN AND CONSTRUCTION FOR A WATER SPRINKLER SYSTEM FOR THE PLAYGROUND AREA						
		DESIGN					2
		CONSTRUCTION					20
		TOTAL FUNDING	AGS		A		22A
35	HP1407	HALEIWA ELEMENTARY, OAHU					
	DESIGN AND CONSTRUCTION FOR A COVERED WALKWAY FOR SPECIAL EDUCATION STUDENTS						
		DESIGN					5
		CONSTRUCTION					45
		TOTAL FUNDING	AGS		A		50A
36	SP0312	HANA HIGH MAUI					
	EQUIPMENT TO PURCHASE ONE (1) WRESTING MAT, INCLUDING FREIGHT AND DELIVERY CHARGES FOR HANA HIGH SCHOOL						
		EQUIPMENT					11
		TOTAL FUNDING	AGS		A		11A
37	HP0603	HANA HIGH AND ELEMENTARY, MAUI					
	EQUIPMENT FOR A SCHOOL VAN						
		EQUIPMENT					20
		TOTAL FUNDING	AGS		A		20A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
38.	HP0602	HANA HIGH, MAUI					
		DESIGN AND CONSTRUCTION FOR A AUTO SHOP DRYING AREA.					
		DESIGN					1
		CONSTRUCTION					4
		TOTAL FUNDING	AGS		A		5A
39.	JP2243	HIGHLANDS INTERMEDIATE, OAHU					
		DESIGN AND CONSTRUCTION FOR THE REPLACEMENT OF THE TERMITE DAMAGED STAGE.					
		DESIGN					1
		CONSTRUCTION					9
		TOTAL FUNDING	AGS		A		10A
40.	HP4410	HIGHLANDS INTERMEDIATE, OAHU					
		DESIGN AND CONSTRUCTION FOR A RETAINING WALL FRONTING A BUILDING.					
		DESIGN					12
		CONSTRUCTION					113
		TOTAL FUNDING	AGS		A		125A
41.	JP3409	HONOKAA HIGH AND ELEMENTARY, HAWAII					
		PLANS, DESIGN AND CONSTRUCTION OF A CHAIN LINK FENCE ALONG THE BOUNDARY OF HONOKAA HIGH AND ELEMENTARY SCHOOL IN HONOKAA.					
		PLANS					1
		DESIGN					1
		CONSTRUCTION					2
		TOTAL FUNDING	AGS		A		4A
42.	HP0805	IAO SCHOOL, MAUI					
		CONSTRUCTION TO WIDEN THE CONCRETE SIDEWALK BY FIVE FEET ON CAMPUS FOR A DISTANCE OF ABOUT 155 FEET DUE TO INCREASED STUDENT ENROLLMENT TO INCLUDE RETAINING WALLS WHERE NEEDED.					
		CONSTRUCTION					25
		TOTAL FUNDING	AGS		A		25A
43.	JP2346	IROQUOIS POINT ELEMENTARY, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR A FACULTY RESTROOM IN PORTABLE #8					
		PLANS					1
		DESIGN					2
		CONSTRUCTION					17
		TOTAL FUNDING	AGS		A		20A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
44	HP1503	KAAAWA ELEMENTARY, OAHU					
		DESIGN FOR LIBRARY EXPANSION					
		DESIGN					30
		TOTAL FUNDING	AGS		A		30A
45	HP3501	KAAHUMANU ELEMENTARY, OAHU					
		CONSTRUCTION FOR PARTITIANS TO DIVIDE SIX DOUBLE CLASSROOMS INTO SINGLE CLASSROOMS					
		CONSTRUCTION					50
		TOTAL FUNDING	AGS		A		50A
46	SP3109	KAHALA ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION TO INSTALL PARTITION IN EXISTING LARGE CLASSROOM TO CREATE TWO REGULAR SIZE CLASSROOMS					
		DESIGN					2
		CONSTRUCTION					13
		TOTAL FUNDING	AGS		A		15A
47	HP2407	KAHALA ELEMENTARY, OAHU					
		CONSTRUCTION FOR PERMANENT FIRE RESISTANT WALL BETWEEN ROOMS 9 - 10, BUILDING B					
		CONSTRUCTION					15
		TOTAL FUNDING	AGS		A		15A
48	HP1403	KAHUKU ELEMENTARY, OAHU					
		CONSTRUCTION FOR CONCRETE STEPS AND WALKWAY FRONTING SCHOOL					
		CONSTRUCTION					10
		TOTAL FUNDING	AGS		A		10A
49	HP1402	KAHUKU HIGH AND INTERMEDIATE, OAHU					
		CONSTRUCTION TO ENCLOSE H BUILDING WITH GATES AND CHAIN LINK FENCING					
		CONSTRUCTION					5
		TOTAL FUNDING	AGS		A		5A
50	HP1401	KAHUKU HIGH AND INTERMEDIATE, OAHU					
		CONSTRUCTION OF SECURITY GATES, BUILDING Y					
		CONSTRUCTION					10
		TOTAL FUNDING	AGS		A		10A
51	HP0804	KAHULUI ELEMENTARY, MAUI					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A CHAIN LINK FENCE AND A GREENHOUSE.					
		PLANS				1	
		DESIGN				2	
		CONSTRUCTION				27	
		EQUIPMENT				20	
		TOTAL FUNDING	AGS		A	50A	
52.		HP1907 KAILUA INTERMEDIATE, OAHU					
		CONSTRUCTION AND INSTALLATION OF SCHOOL NAME AND MESSAGE SIGN AT SCHOOL ENTRANCE.					
		CONSTRUCTION				5	
		TOTAL FUNDING	AGS		A	5A	
53.		HP1901 KAILUA INTERMEDIATE, OAHU					
		DESIGN AND CONSTRUCTION OF SECURITY GATES FOR BUILDINGS B AND C.					
		DESIGN				1	
		CONSTRUCTION				29	
		TOTAL FUNDING	AGS		A	30A	
54.		JP2346 KAIMILOA ELEMENTARY, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR A WALL IN EIGHT TYPE II CLASSROOMS (F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, F-10, F-11, F-12, F-13, F-14, F-15, F-16, P-31, P-32).					
		PLANS				1	
		DESIGN				16	
		CONSTRUCTION				76	
		TOTAL FUNDING	AGS		A	93A	
55.		JP1508 KAIMUKI HIGH, OAHU					
		DESIGN AND CONSTRUCTION FOR RENOVATIONS AND IMPROVEMENTS OF CLASSROOMS AND GROUNDS AROUND M BUILDING (INDUSTRIAL ARTS AND OCCUPATIONAL HANDICAPPED SPECIAL EDUCATION).					
		DESIGN				40	
		CONSTRUCTION				148	
		TOTAL FUNDING	AGS		A	188A	
56.		SP1409 KAIMUKI HIGH, OAHU					
		DESIGN AND CONSTRUCTION FOR PORTABLE BULKHEAD (63' x 6' x 3') ON 10 INCH WHEELS WITH DROP BOARDS FOR SWIMMING POOL.					
		DESIGN				5	
		CONSTRUCTION				45	
		TOTAL FUNDING	AGS		A	50A	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
57	SP1410	KAIMUKI HIGH, OAHU					
		DESIGN AND CONSTRUCTION FOR THE EXTENSION OF PRESENT TENNIS COURT FENCING (109 FEET x 10 FEET) AND AREA SURROUNDING ATHLETIC FIELD					
		DESIGN					5
		CONSTRUCTION					25
		TOTAL FUNDING	AGS		A		30A
58	SP1411	KAIMUKI HIGH, OAHU					
		DESIGN FOR THE RENOVATIONS AND IMPROVEMENTS OF GROUNDS AND CLASSROOMS					
		DESIGN					32
		TOTAL FUNDING	AGS		A		32A
59	HP2604	KAIMUKI HIGH, OAHU					
		DESIGN AND CONSTRUCTION OF A PORTABLE BULKHEAD					
		DESIGN					8
		CONSTRUCTION					42
		TOTAL FUNDING	AGS		A		50A
60	HP2605	KAIMUKI HIGH, OAHU					
		DESIGN AND CONSTRUCTION TO EXTEND PRESENT TENNIS COURT FENCING AND THE AREA SURROUNDING THE ATHLETIC FIELD					
		DESIGN					6
		CONSTRUCTION					34
		TOTAL FUNDING	AGS		A		40A
61	HP2603	KAIMUKI INTERMEDIATE OAHU					
		DESIGN AND CONSTRUCTION OF LIGHTING FOR THE PARKING AREA AND THE WALKWAYS TO THE LIBRARY AND THE CAFETERIA FROM THE PARKING AREA					
		DESIGN					10
		CONSTRUCTION					79
		TOTAL FUNDING	AGS		A		89A
62	JP1326	KAIMUKI INTERMEDIATE, OAHU					
		DESIGN AND CONSTRUCTION FOR THE AIR CONDITIONING OF TWO SCIENCE CLASSROOMS/ LABORATORIES IN BUILDING R (103 AND 104)					
		DESIGN					4
		CONSTRUCTION					64
		TOTAL FUNDING	AGS		A		68A
63	SP1101	KAISER HIGH, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
	DESIGN AND CONSTRUCTION TO IMPROVE AND/OR REPLACE LIGHTING SYSTEM FOR FOOTBALL AND TRACK FIELD.						
		DESIGN				5	
		CONSTRUCTION				5	
		TOTAL FUNDING	AGS		A	10	A
64.	SP1102 KAISER HIGH, OAHU						
	DESIGN AND CONSTRUCTION FOR RENOVATIONS OF GYMNASIUM AND REPLACEMENT OF RUBBER FLOORING WITH WOOD.						
		DESIGN				20	
		CONSTRUCTION				150	
		TOTAL FUNDING	AGS		A	170	A
65.	SP1005 KALAHEO HIGH, OAHU						
	CONSTRUCTION OF STORAGE AREA IN CLASSROOMS H205 AND H209 WITH CABINET SPACE.						
		CONSTRUCTION				75	
		TOTAL FUNDING	AGS		A	75	A
66.	HP1906 KALAHEO HIGH, OAHU						
	CONSTRUCTION OF SCHOOL NAME AND MESSAGE SIGN AT SCHOOL ENTRANCE.						
		CONSTRUCTION				5	
		TOTAL FUNDING	AGS		A	5	A
67.	HP1902 KALAHEO HIGH, OAHU						
	CONSTRUCTION FOR THE INSTALLATION OF FLU-VENT SYSTEM IN THE KILN ROOM.						
		CONSTRUCTION				10	
		TOTAL FUNDING	AGS		A	10	A
68.	HP2201 KALANI HIGH, OAHU						
	PLANS, DESIGN, AND CONSTRUCTION OF TWO DROP GATE ENCLOSURES TO GYM ENTRANCE AND REFURBISHING SURFACE						
		PLANS				1	
		DESIGN				2	
		CONSTRUCTION				43	
		TOTAL FUNDING	AGS		A	46	A
69.	HP4503 KALEI'OPU'U ELEMENTARY, OAHU						
	DESIGN AND CONSTRUCTION TO INSTALL 300 FEET OF SIX-FOOT HIGH CHAIN LINK FENCE FRONTING SCHOOL PROPERTY ON KAAHOLO STREET.						
		DESIGN				2	
		CONSTRUCTION				10	
		TOTAL FUNDING	AGS		A	12	A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
70.	HP4505	KALEI'OPU'U ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION TO REPLACE CATTLE GATES WITH TWO CHAIN LINK GATES FOR THE ENTRY AND EXIT TO THE PARKING LOT					
		DESIGN					2
		CONSTRUCTION					11
		TOTAL FUNDING	AGS		A		13A
71	HP3904	KALIHI KAI ELEMENTARY, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION OF A BARRIER TO STAIRWELLS, BUILDING H					
		PLANS					1
		DESIGN					1
		CONSTRUCTION					6
		TOTAL FUNDING	AGS		A		8A
72	SP1901	KALIHI-WAENA ELEMENTARY, OAHU					
		PLAYGROUND EQUIPMENT FOR KALIHI-WAENA SCHOOL					
		EQUIPMENT					4
		TOTAL FUNDING	AGS		A		4A
73	SP1903	KALIHI-WAENA ELEMENTARY, OAHU					
		CONSTRUCTION AND EQUIPMENT TO INSTALL AIR CONDITIONING, ALARM SYSTEM, PHONE LINE AND FURNISH NECESSARY FURNITURES					
		CONSTRUCTION					50
		EQUIPMENT					116
		TOTAL FUNDING	AGS		A		166A
74	HP3804	KALIHI WAENA ELEMENTARY, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR UNRESTRICTED CAPITAL IMPROVEMENT PROJECTS FOR THE SCHOOL					
		PLANS					2
		DESIGN					3
		CONSTRUCTION					30
		TOTAL FUNDING	AGS		A		35A
75	HP2103	KAMILOIKI ELEMENTARY, OAHU					
		CONSTRUCTION AND EQUIPMENT FOR COMPUTER ROOM AIR CONDITIONING INSTALLATION OF 220V LINE TO COMPUTER ROOM, PURCHASE AND INSTALLATION OF TWO WINDOW AIR CONDITIONERS					
		DESIGN					5
		CONSTRUCTION					5

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		TOTAL FUNDING	AGS		A		10A
76.	HP2104	KAMILOIKI ELEMENTARY, OAHU					
		CONSTRUCTION AND EQUIPMENT FOR OUTDOOR PHYSICAL AND PLAYGROUND EQUIPMENT FOR 4TH-6TH GRADE STUDENTS.					
		DESIGN					1
		CONSTRUCTION					4
		TOTAL FUNDING	AGS		A		5A
77.	SP0902	KANEOHE ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION FOR THE CONVERSION OF 7 DOUBLE CLASSROOMS INTO SINGLE CLASSROOMS.					
		DESIGN					12
		CONSTRUCTION					71
		TOTAL FUNDING	AGS		A		83A
78.	HP1702	KANEOHE ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION OF LIBRARY RENOVATION.					
		DESIGN					1
		CONSTRUCTION					19
		TOTAL FUNDING	AGS		A		20A
79.	SP2505	KAPAA HIGH AND INTERMEDIATE, KAUAI					
		CONSTRUCTION OF CLASSROOM BUILDINGS.					
		CONSTRUCTION					240
		TOTAL FUNDING	AGS		A		240A
80.	JH3604	KAPALAMA ELEMENTARY, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR THE PARTIAL RENOVATION OF CARTER HALL AT KAPALAMA ELEMENTARY SCHOOL.					
		PLANS					12
		DESIGN					12
		CONSTRUCTION					76
		TOTAL FUNDING	AGS		A		100A
81.	HP3403	KAULUWELA, ELEMENTARY, OAHU					
		CONSTRUCTION FOR SECURITY SCREENS FOR TWO SETS OF LOUVERED WINDOWS ON THE GROUND FLOOR OF BUILDING S.					
		CONSTRUCTION					3
		TOTAL FUNDING	AGS		A		3A
82.	JP1734	KAWANAKOA INTERMEDIATE, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		CONSTRUCTION OF A COVERED STUDENT LANAI.					
		DESIGN				15	
		CONSTRUCTION				135	
		TOTAL FUNDING	AGS		A	150A	
83.	HP3401	KAULUWELA ELEMENTARY, OAHU					
		CONSTRUCTION FOR REPAIRS TO THE ELECTRICAL SYSTEM.					
		CONSTRUCTION				88	
		TOTAL FUNDING	AGS		A	88A	
84.	HP3404	KAULUWELA ELEMENTARY, OAHU					
		CONSTRUCTION FOR SECURITY SCREENS FOR TWO SETS OF LOUVERED WINDOWS ON THE SECOND FLOOR OF BUILDING S.					
		CONSTRUCTION				3	
		TOTAL FUNDING	AGS		A	3A	
85.	HP3402	KAULUWELA ELEMENTARY, OAHU					
		CONSTRUCTION TO REFURBISH THE COVERED WALKWAY TO BUILDING A.					
		CONSTRUCTION				6	
		TOTAL FUNDING	AGS		A	6A	
86.	HP0103	KEAAU ELEMENTARY, HAWAII					
		CONSTRUCTION FOR IMPROVEMENTS TO PARKING AREA, DRIVEWAY AND ALSO ELIMINATE GROUND DEPRESSION AT KEAAU SCHOOL PARKING LOT.					
		CONSTRUCTION				40	
		TOTAL FUNDING	AGS		A	40A	
87.	HP0606	KEALAKEHE INTERMEDIATE, HAWAII					
		DESIGN AND CONSTRUCTION FOR BAND ROOM.					
		DESIGN				1	
		CONSTRUCTION				29	
		TOTAL FUNDING	AGS		A	30A	
88.	HP2005	KEOLU ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION OF CONDUITS FOR DISTANCE LEARNING AT KEOLU ELEMENTARY SCHOOL.					
		DESIGN				2	
		CONSTRUCTION				18	
		TOTAL FUNDING	AGS		A	20A	
89.	HP0101	KEONEPOKO ELEMENTARY, HAWAII					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN FOR PEDESTRIAN WALKWAY FROM KEONEPOKO ELEMENTARY IN PUNA TO HAWAIIAN BEACHES.					
		DESIGN				20	
		TOTAL FUNDING	AGS		A	20A	
90.	SP0805	KING INTERMEDIATE, OAHU					
		DESIGN AND CONSTRUCTION OF STREET LAMPS.					
		DESIGN				10	
		CONSTRUCTION				80	
		TOTAL FUNDING	AGS		A	90A	
91.	HP1603	KING INTERMEDIATE, OAHU					
		DESIGN AND CONSTRUCTION FOR STREET LAMPS.					
		DESIGN				8	
		CONSTRUCTION				82	
		TOTAL FUNDING	AGS		A	90A	
92.	HP2602	KING LIHOLIHO ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION OF A FENCE AROUND THE BASKETBALL COURT.					
		DESIGN				2	
		CONSTRUCTION				7	
		TOTAL FUNDING	AGS		A	9A	
93.	HP0601	KOHALA HIGH AND ELEMENTARY, HAWAII					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR ONE PORTABLE CLASSROOM.					
		DESIGN				5	
		CONSTRUCTION				82	
		EQUIPMENT				3	
		TOTAL FUNDING	AGS		A	90A	
94.	SP0303	KONAWAENA HIGH, HAWAII					
		PLANS, DESIGN AND CONSTRUCTION FOR FIELD RE-SURFACING IMPROVEMENTS TO INABA FIELD.					
		PLANS				1	
		DESIGN				2	
		CONSTRUCTION				35	
		TOTAL FUNDING	AGS		A	38A	
95.	HP1501	LAIE ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION FOR PAVING OF NEW PARKING LOTS.					
		DESIGN				5	
		CONSTRUCTION				25	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		TOTAL FUNDING	AGS		A		30A
96	SP0503	LANAI HIGH, LANAI					
		PLANS AND DESIGN OF A FOUR-CLASSROOM BUILDING AT LANAI HIGH SCHOOL					
		PLANS					25
		DESIGN					40
		TOTAL FUNDING	AGS		A		65A
97	JP1734	LANAKILA ELEMENTARY OAHU					
		CONSTRUCTION FOR TERMITE TENTING OF 4 BUILDINGS (C, D, F AND K)					
		CONSTRUCTION					14
		TOTAL FUNDING	AGS		A		14A
98	JP3407	LAUPAHOEHOE HIGH AND ELEMENTARY, HAWAII					
		PLANS AND DESIGN OF A BAND BUILDING INCLUDING TOILETS, COVERED WALKWAY EQUIPMENT AND APPURTENANCES					
		PLANS					20
		DESIGN					120
		EQUIPMENT					10
		TOTAL FUNDING	AGS		A		150A
99	JP2449	LEIHOKU ELEMENTARY, OAHU					
		CONSTRUCTION FOR A SCHOOL PLAYCOURT					
		CONSTRUCTION					55
		TOTAL FUNDING	AGS		A		55A
100	HP0802	LIHIKAI ELEMENTARY AND INTERMEDIATE, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION TO CONVERT CLASSROOM TO PERFORMING ARTS CENTER INCLUDING AIR CONDITIONER					
		PLANS					1
		DESIGN					2
		CONSTRUCTION					72
		TOTAL FUNDING	AGS		A		75A
101	SP1307	LIHOLIHO ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION TO RENOVATE CLASSROOM G5 AND G8					
		DESIGN					7
		CONSTRUCTION					41
		TOTAL FUNDING	AGS		A		48A
102	SP1310	LIHOLIHO ELEMENTARY OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN AND CONSTRUCTION TO INSTALL PARKING LOT LIGHTING.					
		DESIGN				1	
		CONSTRUCTION				8	
		TOTAL FUNDING	AGS		A		9A
103.	HP3802	LINAPUNI ELEMENTARY, OAHU					
		PLANS AND DESIGN FOR A CAFETORIUM ON CAMPUS.					
		PLANS				5	
		DESIGN				45	
		TOTAL FUNDING	AGS		A		50A
104.	HP3807	LINAPUNI ELEMENTARY, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR UNRESTRICTED CAPITAL IMPROVEMENT PROJECTS FOR THE SCHOOL.					
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				8	
		TOTAL FUNDING	AGS		A		10A
105.	JH3103	LINCOLN ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION OF CLASSROOM PARTITIONS TO CONVERT CLASSROOMS FROM TYPE 2 TO TYPE 1.					
		DESIGN				10	
		CONSTRUCTION				45	
		TOTAL FUNDING	AGS		A		55A
106.	JP1532	LUNALILO ELEMENTARY, OAHU					
		CONSTRUCTION OF COVERS OVER EXISTING WALKWAYS SO STUDENTS CAN WALK TO OTHER BUILDINGS WHEN RAINING (CAFETERIA TO LIBRARY AND BUILDING D TO ADMIN. BUILDING). ALSO, CONSTRUCTION OF PAVEMENT BETWEEN CAFETERIA AND LIBRARY WITH DIRECT PASSAGEWAY TO PLAYGROUND.					
		CONSTRUCTION				61	
		TOTAL FUNDING	AGS		A		61A
107.	HP3302	MAEMAE ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION OF SECURITY SCREENS FOR WINDOWS AND METAL BARS AND GATES FOR BUILDING F, TO PROVIDE SECURITY AGAINST THEFT AND VANDALISM.					
		DESIGN				8	
		CONSTRUCTION				18	
		TOTAL FUNDING	AGS		A		26A
108.	HP3412	MAEMAE ELEMENTARY, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
	DESIGN AND CONSTRUCTION FOR SECURITY SCREENS FOR WINDOWS AND METAL BARS AND GATE FOR LANAI AREA						
		DESIGN				2	
		CONSTRUCTION				18	
		TOTAL FUNDING	AGS		A	20A	
109	HP4807 MAILI ELEMENTARY, OAHU						
	PLANS, DESIGN, DESCRIPTION TO REPLACE PERIMETER FENCE						
		PLANS				2	
		DESIGN				2	
		CONSTRUCTION				14	
		TOTAL FUNDING	AGS		A	18A	
110	HP4802 MAILI ELEMENTARY, OAHU						
	DESIGN AND CONSTRUCTION OF SECURITY SCREENS FOR D BUILDING.						
		DESIGN				1	
		CONSTRUCTION				9	
		TOTAL FUNDING	AGS		A	10A	
111	JP4723 MAKAKILO ELEMENTARY, OAHU						
	PLANS, DESIGN AND CONSTRUCTION OF PARTITIONS BETWEEN 7 TYPE II CLASSROOMS						
		PLANS				2	
		DESIGN				2	
		CONSTRUCTION				31	
		TOTAL FUNDING	AGS		A	35A	
112	JH3905 MAKALAPA ELEMENTARY, OAHU						
	PLANS, DESIGN, AND CONSTRUCTION OF A TEACHERS' WORKROOM NO 1-2						
		PLANS				1	
		DESIGN				13	
		CONSTRUCTION				77	
		TOTAL FUNDING	AGS		A	91A	
113	JP2244 MANANA ELEMENTARY, OAHU						
	DESIGN AND CONSTRUCTION FOR A RETAINING WALL FRONTING THE MULTI PURPOSE BUILDING						
		DESIGN				4	
		CONSTRUCTION				40	
		TOTAL FUNDING	AGS		A	44A	
114	JP1427 MANOA ELEMENTARY, OAHU						
	CONSTRUCTION FOR THE FENCING ALONG POELUA STREET AT THE SCHOOL						
		CONSTRUCTION				26	
		TOTAL FUNDING	AGS		A	26A	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
115.	J14272	MANOA ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION FOR THE INSTALLATION OF CHAIN LINK FENCE ACROSS POELUA STREET ACCESS.					
		DESIGN					1
		CONSTRUCTION					5
		TOTAL FUNDING	AGS		A		6A
116.	J14273	MANOA ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION FOR RECONSTRUCTION OF CLASSROOM WALLS IN DOUBLE CLASSROOMS THAT WERE PREVIOUSLY USED FOR 3 ON 2 PROJECTS.					
		DESIGN					1
		CONSTRUCTION					39
		TOTAL FUNDING	AGS		A		40A
117.	HP0801	MAUI WAENA INTERMEDIATE, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR WALL IN BUILDING B104 AND D108, SECURITY GATES, AND WIND SCREEN.					
		PLANS					1
		DESIGN					1
		CONSTRUCTION					48
		TOTAL FUNDING	AGS		A		50A
118.	JP3475	MAUKA LANI ELEMENTARY, OAHU					
		PLANS, DESIGN AND CONSTRUCTION OF PARTITIONS BETWEEN 6 TYPE II CLASSROOMS.					
		PLANS					1
		DESIGN					1
		CONSTRUCTION					28
		TOTAL FUNDING	AGS		A		30A
119.	J47438	MAUKA LANI ELEMENTARY, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR THE PAVING OF STEPS AND WALKWAYS FROM THE SCHOOL TO THE ADJACENT COMMUNITY PARK.					
		PLANS					1
		DESIGN					1
		CONSTRUCTION					8
		TOTAL FUNDING	AGS		A		10A
120.	SP1702	MCKINLEY HIGH, OAHU					
		PLANS AND DESIGN FOR A NEW SWIMMING POOL.					
		PLANS					10
		DESIGN					30
		TOTAL FUNDING	AGS		A		40A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO	CAPITAL NO	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
121	HP3504 MCKINLEY HIGH OAHU						
	PLANS FOR A SWIMMING POOL						
		PLANS					10
		TOTAL FUNDING	AGS		A		10A
122	HP1201 MILILANI HIGH OAHU						
	DESIGN AND EQUIPMENT FOR THE INSTALLATION OF AN INTERCOM SYSTEM FOR CAMPUS SECURITY						
		DESIGN					6
		EQUIPMENT					34
		TOTAL FUNDING	AGS		A		40A
123	HP1202 MILILANI HIGH OAHU						
	DESIGN AND CONSTRUCTION FOR THE INSTALLATION OF A CLOSED CIRCUIT TV SYSTEM FOR SCHOOL COMMUNICATION AND INSTRUCTION						
		DESIGN					9
		CONSTRUCTION					51
		TOTAL FUNDING	AGS		A		60A
124	HP1203 MILILANI HIGH OAHU						
	DESIGN AND CONSTRUCTION TO WIDEN AND UPGRADE ENTRANCE TO MILILANI HIGH INCLUDING A STAIRCASE AND COVERED WALKWAY THROUGH THE PARKING AREA FOR PEDESTRIAN SAFETY AND A NEW BERM FOR IMPROVED VISIBILITY FOR TRAFFIC SAFETY						
		DESIGN					13
		CONSTRUCTION					80
		TOTAL FUNDING	AGS		A		93A
125	HP4002 MOANALUA INTERMEDIATE OAHU						
	PLANS DESIGN AND CONSTRUCTION FOR AIR CONDITIONING TO SOUNDPROOF CLASSROOM BUILDINGS						
		PLANS					10
		DESIGN					20
		EQUIPMENT					20
		TOTAL FUNDING	AGS		A		50A
126	HP4003 MOANALUA INTERMEDIATE OAHU						
	CONSTRUCTION FOR ONE CLASSROOM TO ACCOMMODATE COMPUTERS						
		CONSTRUCTION					50
		TOTAL FUNDING	AGS		A		50A
127	HP4004 MOANALUA HIGH OAHU						

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		PLANS AND DESIGN FOR CONSTRUCTION OF WALKWAY FROM PARKING LOT TO CAMPUS, INSTALLATION OF PLUMBING AND SPRINKLER SYSTEM, REMOVAL OF RUBBLE FROM PREVIOUS CONSTRUCTION, AND LANDSCAPING.					
		PLANS				5	
		DESIGN				5	
		CONSTRUCTION				50	
		TOTAL FUNDING	AGS		A		60A
128.		JP2243 MOMILANI ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION FOR BLINKING CAUTION LIGHT AT CORNER OF HOOKIEKIE STREET AND HOOMOANA STREET.					
		DESIGN				10	
		CONSTRUCTION				60	
		TOTAL FUNDING	AGS		A		70A
129.		HP0102 NAALEHU ELEMENTARY, HAWAII					
		CONSTRUCTION FOR COVERED WALKWAYS AT NAALEHU SCHOOL.					
		CONSTRUCTION				30	
		TOTAL FUNDING	AGS		A		30A
130.		HP4805 NANAIKAPONO ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION TO REPLACE EXISTING WIDOWS IN BUILDING D, A, B, AND C WITH WOODEN JALOUSIES.					
		DESIGN				1	
		CONSTRUCTION				24	
		TOTAL FUNDING	AGS		A		25A
131.		SP2404 NANAKULI ELEMENTARY, OAHU					
		CONSTRUCTION TO INSTALL PUBLIC ADDRESS SYSTEM.					
		CONSTRUCTION				10	
		TOTAL FUNDING	AGS		A		10A
132.		JP2448 NANAKULI HIGH, OAHU					
		DESIGN AND CONSTRUCTION TO RECURB AND RESURFACE RACE TRACK.					
		DESIGN				3	
		CONSTRUCTION				47	
		TOTAL FUNDING	AGS		A		50A
133.		HP4803 NANAKULI ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION TO EXPAND PUBLIC ADDRESS SYSTEM FROM MAIN OFFICE TO THREE PORTABLE CLASSROOMS					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN					1
		EQUIPMENT					4
		TOTAL FUNDING	AGS		A		5A
134	HP4808	NANAKULI HIGH OAHU					
		DESIGN AND CONSTRUCTION TO INSTALL 4,800 LINEAR FEET OF CHAIN LINK FENCE AROUND THE CAMPUS					
		DESIGN					2
		CONSTRUCTION					108
		TOTAL FUNDING	AGS		A		110A
135	JP1427	NOELANI ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION OF A NEW OUTDOOR STAGE					
		DESIGN					2
		CONSTRUCTION					4
		TOTAL FUNDING	AGS		A		6A
136	J14275	NOELANI ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION FOR STORAGE CLOSETS UNDER EXISTING STAIRWELL IN A BUILDING					
		DESIGN					2
		CONSTRUCTION					13
		TOTAL FUNDING	AGS		A		15A
137	JP1733	NUUANU ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION TO INSTALL STORM DRAIN OR DRY WELL IN THE BACK OF BUILDINGS B AND C					
		DESIGN					10
		CONSTRUCTION					26
		TOTAL FUNDING	AGS		A		36A
138	HP3304	NUUANU ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION FOR SECURITY SCREENS FOR BUILDINGS A, B, F, G, H AND I TO PROVIDE SECURITY AGAINST THEFT AND VANDALISM					
		DESIGN					5
		CONSTRUCTION					19
		TOTAL FUNDING	AGS		A		24A
139	HP0104	PAHOA HIGH, OAHU					
		LAND ACQUISITION FOR THE EXPANSION OF THE PAHOA HIGH AGRICULTURE PROGRAM					
		LAND					25
		TOTAL FUNDING	AGS		A		25A
140	JP2244	PALISADES ELEMENTARY, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
	DESIGN AND CONSTRUCTION FOR THE INSTALLATION OF A CATTLE GATE AT THE ENTRANCE OF THE SCHOOL.						
		DESIGN					1
		CONSTRUCTION					12
		TOTAL FUNDING	AGS		A		13A
141.	HP4402 PALISADES ELEMENTARY, OAHU						
	DESIGN AND CONSTRUCTION FOR A CHAIN LINK FENCE AT THE ENTRY OF THE SCHOOL.						
		DESIGN					1
		CONSTRUCTION					5
		TOTAL FUNDING	AGS		A		6A
142.	SP0804 PARKER ELEMENTARY, OAHU						
	DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO CONCRETE PLAY AREA.						
		DESIGN					5
		CONSTRUCTION					35
		TOTAL FUNDING	AGS		A		40A
143.	HP1602 PARKER ELEMENTARY, OAHU						
	CONSTRUCTION TO IMPROVE CONCRETE PLAY AREA.						
		CONSTRUCTION					40
		TOTAL FUNDING	AGS		A		40A
144.	SP1703 PAUOA ELEMENTARY, OAHU						
	DESIGN AND CONSTRUCTION FOR THE INSTALLATION OF FENCE TO PROTECT CHILDREN IN LOWER RECESS AREA.						
		DESIGN					1
		CONSTRUCTION					10
		TOTAL FUNDING	AGS		A		11A
145.	JP2244 PEARL CITY ELEMENTARY, OAHU						
	DESIGN AND CONSTRUCTION FOR SECURITY SCREENS FOR COMPUTER ROOM.						
		DESIGN					1
		CONSTRUCTION					3
		TOTAL FUNDING	AGS		A		4A
146.	JP2142 PEARL RIDGE ELEMENTARY, OAHU						
	DESIGN AND CONSTRUCTION OF GANG TOILETS.						
		DESIGN					1
		CONSTRUCTION					269
		TOTAL FUNDING	AGS		A		270A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO	CAPITAL NO	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
147	HP2003 POPE ELEMENTARY OAHU						
	CONSTRUCTION FOR A CATTLE GUARD GATE AT POPE ELEMENTARY IN WAIMANALO						
		CONSTRUCTION					8
		TOTAL FUNDING	AGS		A		8A
148	HP0701 PUKALANI ELEMENTARY OAHU						
	PLANS AND CONSTRUCTION FOR DRIVEWAY AND PARKING IMPROVEMENTS TO PUKALANI ELEMENTARY						
		PLANS					30
		CONSTRUCTION					150
		TOTAL FUNDING	AGS		A		180A
149	HP1701 PUOHALA ELEMENTARY OAHU						
	DESIGN AND CONSTRUCTION OF ROOF OVER GROUND PLAYCOURT						
		DESIGN					10
		CONSTRUCTION					110
		TOTAL FUNDING	AGS		A		120A
150	HP3805 RED HILL ELEMENTARY OAHU						
	PLANS DESIGN AND CONSTRUCTION FOR UNRESTRICTED CAPITAL IMPROVEMENT PROJECTS FOR RED HILL ELEMENTARY						
		PLANS					1
		DESIGN					2
		CONSTRUCTION					32
		TOTAL FUNDING	AGS		A		35A
151	JP1431 ROOSEVELT HIGH OAHU						
	DESIGN AND CONSTRUCTION FOR THE RENOVATION OF C BUILDING SCIENCE LEARNING CENTER BIOLOGY ROOM						
		DESIGN					33
		CONSTRUCTION					167
		TOTAL FUNDING	AGS		A		200A
152	JP4318 ROOSEVELT HIGH OAHU						
	PLANS FOR THE DEVELOPMENT OF A MASTER PLAN FOR THE ROOSEVELT STEVENSON RECREATIONAL SPORTS COMPLEX						
		PLANS					100
		TOTAL FUNDING	AGS		A		100A
153	SP1701 ROOSEVELT HIGH OAHU						
	DESIGN CONSTRUCTION AND EQUIPMENT FOR THE EXTENSION OF THE AUTO SHOP AND BAND ROOM						

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		DESIGN				10	
		CONSTRUCTION				154	
		EQUIPMENT				20	
		TOTAL FUNDING	AGS		A	184	A
154	SP1601	ROOSEVELT HIGH OAHU					
		DESIGN AND CONSTRUCTION OF A SCIENCE/BIOLOGY/LEARNING CENTER (BUILDING C) AT ROOSEVELT HIGH SCHOOL					
		DESIGN				10	
		CONSTRUCTION				90	
		TOTAL FUNDING	AGS		A	100	A
155	JH3106	ROOSEVELT HIGH OAHU					
		DESIGN AND CONSTRUCTION TO RENOVATE BAND ROOM					
		DESIGN				22	
		CONSTRUCTION				78	
		TOTAL FUNDING	AGS		A	100	A
156	HP3502	ROYAL ELEMENTARY OAHU					
		PLANS AND CONSTRUCTION TO RENOVATE PRINCIPAL'S AND COUNSELOR'S OFFICES					
		PLANS				2	
		CONSTRUCTION				78	
		TOTAL FUNDING	AGS		A	80	A
157	SP0707	SOLOMON ELEMENTARY OAHU					
		DESIGN AND CONSTRUCTION OF SPRINKLER SYSTEM FOR PLAYGROUND					
		DESIGN				11	
		CONSTRUCTION				70	
		TOTAL FUNDING	AGS		A	81	A
158	SP0706	WAHIAWA ELEMENTARY OAHU					
		DESIGN AND CONSTRUCTION OF ADDITIONAL CABINETS FOR BUILDINGS A AND D					
		DESIGN				5	
		CONSTRUCTION				10	
		TOTAL FUNDING	AGS		A	15	A
159	SP0704	WAHIAWA INTERMEDIATE OAHU					
		DESIGN AND CONSTRUCTION FOR RENOVATION OF BUILDING F					
		DESIGN				10	
		CONSTRUCTION				40	
		TOTAL FUNDING	AGS		A	50	A
160	SP0701	WAIALUA HIGH OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		DESIGN AND CONSTRUCTION OF BLEACHERS, DUGOUT AND IMPROVEMENTS TO BASEBALL FIELD					
		DESIGN				50	
		CONSTRUCTION				150	
		TOTAL FUNDING	AGS		A	200A	
161	HP1404	WAIALUA ELEMENTARY, OAHU					
		CONSTRUCTION OF PORTABLE CLASSROOM					
		CONSTRUCTION				90	
		TOTAL FUNDING	AGS		A	90A	
162	HP1406	WAIALUA HIGH AND INTERMEDIATE, OAHU					
		DESIGN AND CONSTRUCTION OF OFF-STREET LOADING AND UNLOADING AREA FOR BUSES					
		DESIGN				5	
		CONSTRUCTION				40	
		TOTAL FUNDING	AGS		A	45A	
163	HP1405	WAIALUA HIGH AND INTERMEDIATE, OAHU					
		CONSTRUCTION AND INSTALLATION OF PONDS AND AUTOMATIC FEEDERS FOR SCHOOL AQUACULTURE PROGRAM					
		DESIGN				1	
		CONSTRUCTION				2	
		EQUIPMENT				2	
		TOTAL FUNDING	AGS		A	5A	
164	HP4901	WAIANAE ELEMENTARY, OAHU					
		CONSTRUCTION TO RETILE BOYS AND GIRLS RESTROOMS, BUILDING F					
		CONSTRUCTION				22	
		TOTAL FUNDING	AGS		A	22A	
165	HP4902	WAIANAE ELEMENTARY, OAHU					
		CONSTRUCTION TO RENOVATE EXISTING SPRINKLER SYSTEM					
		CONSTRUCTION				12	
		TOTAL FUNDING	AGS		A	12A	
166	JP2209	WAIAU ELEMENTARY, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR PORTABLE CLASSROOMS					
		PLANS				1	
		DESIGN				14	
		CONSTRUCTION				110	
		TOTAL FUNDING	AGS		A	125A	
167	HP0803	WAILUKU ELEMENTARY, MAUI					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		CONSTRUCTION TO INSTALL WALLS BETWEEN TWO OPEN CLASSROOMS FOR PRIVACY AND ELIMINATE DISTRACTIONS.					
		CONSTRUCTION					50
		TOTAL FUNDING	AGS		A		50A
168.		HP2203 WAILUPE VALLEY, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION OF TWO PARKING LOT POLE LIGHTS AND AN UNDERGROUND DRAINAGE SYSTEM TO EASE FLOODING PROBLEMS.					
		PLANS					1
		DESIGN					2
		CONSTRUCTION					75
		TOTAL FUNDING	AGS		A		78A
169.		JP1020 WAIMANALO INTERMEDIATE, OAHU					
		CONSTRUCTION FOR LANDSCAPING THE BACK CAMPUS, BEHIND BUILDINGS M AND N, TO INCLUDE THE LEVELING, GRADING, AND REGRASSING THE PLAYING FIELD.					
		CONSTRUCTION					50
		TOTAL FUNDING	AGS		A		50A
170.		HP0604 WAIMEA ELEMENTARY AND INTERMEDIATE, HAWAII					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR ONE PORTABLE CLASSROOM.					
		DESIGN					5
		CONSTRUCTION					82
		EQUIPMENT					3
		TOTAL FUNDING	AGS		A		90A
171.		HP5102 WAIMEA CANYON, KAUAI					
		DESIGN AND CONSTRUCTION TO CONVERT TYPE 2 CLASSROOMS TO TYPE 1 AND CONVERT TYPE 4 TO TYPE 2 CLASSROOMS.					
		DESIGN					5
		CONSTRUCTION					60
		TOTAL FUNDING	AGS		A		65A
172.		JP2246 WAIPAHU ELEMENTARY, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR CONCRETE SLAB AROUND MONKEY POD TREE ADJACENT TO ADMINISTRATION BUILDING.					
		PLANS					1
		DESIGN					1
		CONSTRUCTION					25
		TOTAL FUNDING	AGS		A		27A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
173	JP2211	WAIPAHU HIGH, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR A WEIGHT ROOM THAT MEETS EDUCATIONAL STANDARDS					
		DESIGN				10	
		CONSTRUCTION				168	
		EQUIPMENT				20	
		TOTAL FUNDING	AGS		A	198A	
174	JP2245	WAIPAHU HIGH, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT OF A NEW WEIGHTROOM FACILITY WHICH MEETS EDUCATIONAL SPECIFICATIONS					
		DESIGN				65	
		CONSTRUCTION				263	
		EQUIPMENT				30	
		TOTAL FUNDING	AGS		A	358A	
175	JP2246	WAIPAHU HIGH, OAHU					
		DESIGN AND CONSTRUCTION FOR SECOND DOOR TO TWELVE CLASSROOMS IN J BUILDING					
		DESIGN				6	
		CONSTRUCTION				24	
		TOTAL FUNDING	AGS		A	30A	
176	HP4510	WAIPAHU ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION FOR CATTLE GATE AND KAHALE FIELD AND PARKING LOT					
		DESIGN				3	
		CONSTRUCTION				15	
		TOTAL FUNDING	AGS		A	18A	
177	JP4508	WAIPAHU INTERMEDIATE, OAHU					
		DESIGN AND CONSTRUCTION FOR THE PAVING OF THE BUS LOADING ZONE AND IMPROVEMENTS TO THE PROPERTY FRONTING THE ADMINISTRATION BUILDING					
		DESIGN				2	
		CONSTRUCTION				10	
		TOTAL FUNDING	AGS		A	12A	
178	HP4106	WEBLING ELEMENTARY, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR AN IRRIGATION SYSTEM BETWEEN BUILDINGS A, D, AND F					
		PLANS				1	
		DESIGN				2	
		CONSTRUCTION				26	
		TOTAL FUNDING	AGS		A	29A	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
179.	SP0708	WHEELER ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION OF AN OUTDOOR STAGE AND INSTRUCTIONAL AREA.					
		DESIGN				5	
		CONSTRUCTION				25	
		TOTAL FUNDING	AGS		A	30A	
180.	SP0602	WHEELER INTERMEDIATE, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION OF TWO PORTABLE CLASSROOMS.					
		PLANS				12	
		DESIGN				30	
		CONSTRUCTION				150	
		TOTAL FUNDING	AGS		A	192A	
181.	JP2312	WILSON ELEMENTARY, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION OF AN ENTRANCEWAY TO DISTINGUISH THE SCHOOL FROM THE DOE DISTRICT OFFICES LOCATED ON THE SAME PROPERTY.					
		PLANS				5	
		DESIGN				1	
		CONSTRUCTION				4	
		TOTAL FUNDING	AGS		A	10A	
182.	JP2312	WILSON ELEMENTARY, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR A RETAINING WALL BETWEEN BUILDING F AND C.					
		PLANS				1	
		DESIGN				4	
		CONSTRUCTION				15	
		TOTAL FUNDING	AGS		A	20A	
183.	JP2312	WILSON ELEMENTARY, OAHU					
		CONSTRUCTION FOR SECOND DOORS TO EACH CLASSROOM IN BUILDING F.					
		CONSTRUCTION				20	
		TOTAL FUNDING	AGS		A	20A	
EDN107	**- EXCEPTIONAL CHILD PROGRAM**						
184.	SP1308	HAWAII SCHOOL FOR BLIND AND DEAF, OAHU					
		DESIGN, CONSTRUCTION TO INSTALL AUDIOLOGICAL BOOTH.					
		DESIGN				5	
		CONSTRUCTION				30	
		TOTAL FUNDING	AGS		A	35A	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO	CAPITAL NO	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
EDN203	**- SCHOOL ADMINISTRATION**						
185	SP1902 KALIHI WAENA ELEMENTARY OAHU						
	FQUIPMENT FOR TELECOM SYSTEM FOR KALIHI WAENA ADMINISTRATION OFFICE						
		EQUIPMENT					4
		TOTAL FUNDING	AGS		A		4A
186	HP3601 KAPALAMA ELEMENTARY OAHU						
	DESIGN AND CONSTRUCTION FOR AIR CONDITIONING OF ADMINISTRATION BUILDING						
		DESIGN					7
		CONSTRUCTION					33
		TOTAL FUNDING	AGS		A		40A
187	HP3602 LIKELIKE ELEMENTARY OAHU						
	DESIGN AND CONSTRUCTION FOR SECURITY SCREENS OF ADMINISTRATION BUILDING						
		DESIGN					4
		CONSTRUCTION					31
		TOTAL FUNDING	AGS		A		35A
EDN204	**- INSTRUCTIONAL MEDIA**						
188	JP2141 AIEA INTERMEDIATE OAHU						
	DESIGN AND CONSTRUCTION FOR AIR CONDITIONING FOR LIBRARY						
		DESIGN					12
		CONSTRUCTION					142
		TOTAL FUNDING	AGS		A		154A
189	JH5004 HANAMAULU ELEMENTARY KAUAI						
	DESIGN FOR A SCHOOL LIBRARY AT HANAMAULU ELEMENTARY SCHOOL						
		CONSTRUCTION					160
		TOTAL FUNDING	AGS		A		160A
190	SP1412 HOKULANI ELEMENTARY OAHU						
	CONSTRUCTION FOR CARPETING TO THE LIBRARY						
		CONSTRUCTION					5
		TOTAL FUNDING	AGS		A		5A
191	JP2346 ILIMA INTERMEDIATE OAHU						
	PLANS DESIGN AND CONSTRUCTION FOR THE INSTALLATION OF AN AIR CONDITIONING SYSTEM FOR THE SCHOOL LIBRARY						
		PLANS					1

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN				7	
		CONSTRUCTION				300	
		TOTAL FUNDING	AGS		A	308	A
192.	JP1018	KAILUA HIGH, OAHU					
		CONSTRUCTION OF LIBRARY AIR CONDITIONING: FINAL PHASE.					
		CONSTRUCTION				150	
		TOTAL FUNDING	AGS		A	150	A
193.	JP1323	KALANI HIGH, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT TO INSTALL AIR CONDITIONING IN LIBRARY.					
		DESIGN				15	
		CONSTRUCTION				150	
		EQUIPMENT				2	
		TOTAL FUNDING	AGS		A	167	A
194.	SP1003	LANIKAI ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION OF LIBRARY AIR CONDITIONING.					
		DESIGN				60	
		CONSTRUCTION				240	
		TOTAL FUNDING	AGS		A	300	A
195.	HP1904	LANIKAI ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION FOR LIBRARY IMPROVEMENTS.					
		DESIGN				10	
		CONSTRUCTION				80	
		TOTAL FUNDING	AGS		A	90	A
196.	SP0705	LEILEHUA HIGH, OAHU					
		DESIGN OF AIR CONDITIONING FOR THE LIBRARY.					
		DESIGN				25	
		TOTAL FUNDING	AGS		A	25	A
197.	HP3104	LINCOLN ELEMENTARY, OAHU					
		CONSTRUCTION FOR IMPROVEMENTS TO THE SCHOOL LIBRARY.					
		CONSTRUCTION				100	
		TOTAL FUNDING	AGS		A	100	A
198.	JP2347	MAKAKILO ELEMENTARY, OAHU					
		PLANS, DESIGN AND CONSTRUCTION TO INSTALL AIR CONDITIONING FOR LIBRARY AND COMPUTER ROOM.					
		PLANS				2	
		DESIGN				3	
		CONSTRUCTION				95	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		TOTAL FUNDING	AGS		A		100A
199	HP1801	MAUNAWILI ELEMENTARY LIBRARY, OAHU					
		CONSTRUCTION FOR THE COMPLETION OF THE AIR CONDITIONING SYSTEM FOR MAUNAWILI SCHOOL LIBRARY					
		CONSTRUCTION					175
		TOTAL FUNDING	AGS		A		175A
200	JP1122	NIU VALLEY INTERMEDIATE, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR RENOVATIONS OF SCHOOL LIBRARY - INSTALLATION OF AIR CONDITIONING					
		PLANS					10
		DESIGN					20
		CONSTRUCTION					284
		TOTAL FUNDING	AGS		A		314A
201	SP1306	WAIKIKI ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION TO INSTALL AIR CONDITIONING IN THE LIBRARY-MEDIA- CONFERENCE ROOMS					
		DESIGN					7
		CONSTRUCTION					40
		TOTAL FUNDING	AGS		A		47A
EDN305	**- SCHOOL FOOD SERVICES**						
202	JP2245	AUGUST AHRENS ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION FOR RELOCATION OF THREE GATES AT I AND J CAFETORIUMS TO ELIMINATE BLIND SPOTS					
		DESIGN					2
		CONSTRUCTION					8
		TOTAL FUNDING	AGS		A		10A
203	JP2243	HIGHLANDS INTERMEDIATE, OAHU					
		DESIGN AND CONSTRUCTION FOR THE REPLACEMENT OF WINDOWS IN CAFETERIA TO JALOUSIES					
		DESIGN					6
		CONSTRUCTION					14
		TOTAL FUNDING	AGS		A		20A
204	HP1903	LANIKAI ELEMENTARY, OAHU					
		CONSTRUCTION TO RENOVATE CAFETERIA BUILDING					
		CONSTRUCTION					50
		TOTAL FUNDING	AGS		A		50A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
205.	HP3603	LIKELIKE ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION OF COVERED WALKWAY AT CAFETERIA.					
		DESIGN					10
		CONSTRUCTION					75
		TOTAL FUNDING	AGS		A		85A
206.	SP2104	MAKALAPA ELEMENTARY, OAHU					
		DESIGN FOR EXTENSION OF CAFETERIA.					
		DESIGN					49
		TOTAL FUNDING	AGS		A		49A
207.	JP2244	PALISADES ELEMENTARY, OAHU					
		DESIGN AND CONSTRUCTION FOR STAGE CURTAINS FOR CAFETORIUM.					
		DESIGN					2
		CONSTRUCTION					4
		TOTAL FUNDING	AGS		A		6A
208.	SP2502	SALT LAKE ELEMENTARY, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR ADDING A MULTI-PURPOSE MEETING ROOM/ TEACHER'S LOUNGE TO THE CAFETERIA.					
		PLANS					5
		DESIGN					10
		CONSTRUCTION					75
		TOTAL FUNDING	AGS		A		90A
209.	HP2406	WAIKIKI ELEMENTARY, OAHU					
		CONSTRUCTION TO IMPROVE VENTILATION OF CAFETORIUM.					
		CONSTRUCTION					30
		TOTAL FUNDING	AGS		A		30A
EDN407		**- PUBLIC LIBRARIES**					
210.	HP5103	HANAPEPE SPECIAL LIBRARY, KAUAI					
		CONSTRUCTION FOR A HUMIDITY, SALINITY AND DUST CONTROL SYSTEM.					
		CONSTRUCTION					110
		TOTAL FUNDING	AGS		A		110A
211.	JP1019	KAILUA LIBRARY, OAHU					
		DESIGN AND CONSTRUCTION OF SHARED PARKING FACILITY AT KAILUA LIBRARY AND KAILUA ELEMENTARY SCHOOL, IN COOPERATION WITH CITY AND COUNTY OF HONOLULU DEPARTMENT OF PARKS AND RECREATION.					
		DESIGN					1

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		CONSTRUCTION				69	
		TOTAL FUNDING	AGS		A	70A	
212	HP0505	KEALAKEKUA LIBRARY, HAWAII					
		DESIGN AND CONSTRUCTION FOR ENLARGING THE DOOR AND REVISING THE STAIRWAY, AND THE INSTALLATION OF ADDITIONAL PARKING LOT LIGHTS					
		DESIGN				1	
		CONSTRUCTION				7	
		TOTAL FUNDING	AGS		A	8A	
213	HP2710	MANOA LIBRARY, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR PARKING LOT IMPROVEMENTS					
		PLANS				2	
		DESIGN				3	
		CONSTRUCTION				10	
		TOTAL FUNDING	AGS		A	15A	
214	HP3205	MCCULLY-MOILILI PUBLIC LIBRARY, OAHU					
		DESIGN AND CONSTRUCTION FOR RENOVATIONS AND IMPROVEMENTS TO FACILITIES AND GROUNDS, SPECIFICALLY THE REPLACEMENT OF THE CIRCULATION DESK					
		DESIGN				2	
		CONSTRUCTION				14	
		TOTAL FUNDING	AGS		A	16A	
215	JP2243	PEARL CITY LIBRARY, OAHU					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR THE DOCUMENTATION ON VIDEOTAPE THE HISTORY OF THE PEARL CITY COMMUNITY AND TO TRANSCRIBE THE INTERVIEWS AND COMPILE THE RESEARCH MATERIAL INTO A BOUND PUBLICATION					
		PLANS				25	
		DESIGN				25	
		CONSTRUCTION				40	
		EQUIPMENT				10	
		TOTAL FUNDING	AGS		A	100A	
216	HP2601	WAIKIKI-KAPAHULU PUBLIC LIBRARY, OAHU					
		DESIGN AND CONSTRUCTION FOR AN EXTENSION TO THE EXISTING WORKROOM					
		DESIGN				8	
		CONSTRUCTION				40	
		TOTAL FUNDING	AGS		A	48A	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
UOH102	**- ORGANIZED RESEARCH - UOH, MANOA**						
217.	JP1427 LYON ARBORETUM, OAHU						
	DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO MAIN BUILDING (COTTAGE H) REPAIRS: TERMITE DAMAGE; RECARPET; AND EXTERIOR/INTERIOR PAINT.						
		DESIGN				4	
		CONSTRUCTION				71	
		TOTAL FUNDING	UOH		A	75A	
UOH103	**- PUBLIC SERVICE - UOH, MANOA**						
218.	JP2211 PEARL CITY UH EXTENSION SERVICE OFFICE, OAHU						
	PLANS, DESIGN AND CONSTRUCTION FOR A PAVED ROADWAY AND INSTALLATION OF AREA LIGHTS.						
		PLANS				20	
		DESIGN				30	
		CONSTRUCTION				135	
		TOTAL FUNDING	AGS		A	185A	
UOH215	**- STUDENT SERVICES - UOH, HILO**						
219.	JP0203 UHH, PARKING LOT, HAWAII						
	DESIGN AND CONSTRUCTION FOR THE PAVING OF PARKING LOT BEHIND UH-HILO THEATRE.						
		DESIGN				1	
		CONSTRUCTION				145	
		EQUIPMENT				4	
		TOTAL FUNDING	AGS		A	150A	
UOH216	**- INSTITUTIONAL SUPPORT - UOH, HILO**						
220.	HP0305 UH HILO RENOVATION, HAWAII.						
	PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE RENOVATION OF BUILDING 381A (HAWAIIAN GIFTED AND TALENTED), AT THE UNIVERSITY OF HAWAII AT HILO.						
		PLANS				2	
		DESIGN				3	
		CONSTRUCTION				20	
		EQUIPMENT				2	
		TOTAL FUNDING	AGS		A	27A	
221.	HP0304 UNIVERSITY OF HAWAII - INSTITUTIONAL SUPPORT, HAWAII.						
	PLANS FOR A UTILITY GRID AND COVERED WALKWAY AT THE UNIVERSITY OF HAWAII AT HILO.						

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		PLANS					50
		TOTAL FUNDING	AGS		A		50A
UOH311	**- INSTRUCTION -KAPIOLANI COMMUNITY COLLEGE**						
222	SP1305	KAPIOLANI COMMUNITY COLLEGE RENOVATIONS, OAHU					
		DESIGN AND CONSTRUCTION TO REPAIR AND RE-ROOF, INSTALL RAMP, REPAIR EXTERIOR, AND MAKE OTHER NECESSARY REPAIRS AND RE-PAINT CHAPEL BUILDING					
		DESIGN					22
		CONSTRUCTION					126
		TOTAL FUNDING	AGS		A		148A
UOH325	**- INSTITUTIONAL SUPPORT - LEEWARD CC**						
223	JP2211	LEEWARD COMMUNITY COLLEGE CHILD CARE CENTER, OAHU					
		DESIGN, CONSTRUCTION, FURNITURE AND EQUIPMENT FOR A CAMPUS CHILD CARE CENTER, AND OTHER CONSTRUCTION AS NEEDED					
		DESIGN					16
		CONSTRUCTION					97
		EQUIPMENT					41
		TOTAL FUNDING	AGS		A		154A
CULTURE AND RECREATION							
UOH881	**- AQUARIA**						
1	JP1324	WAIKIKI AQUARIUM, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR RENOVATIONS TO RESTROOMS AT WAIKIKI AQUARIUM					
		PLANS					1
		DESIGN					5
		CONSTRUCTION					50
		TOTAL FUNDING	AGS		A		56A
AGS881	**- PERFORMING & VISUAL ARTS EVENTS**						
2	JP0645	WAIPAHU CULTURAL GARDEN PARK, OAHU					
		DESIGN AND CONSTRUCTION FOR RESTORATION OF THE TSOONG NYEE SOCIETY COOKHOUSE IN WAIPAHU CULTURAL GARDEN PARK (GRANT-IN-AID)					
		DESIGN					10
		CONSTRUCTION					80
		TOTAL FUNDING	AGS		A		90A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
LNR806		- HERITAGE & RECREATION PARKS					
3.	SP0311	HULIHEE PALACE, HAWAII					
		CONSTRUCTION FOR THE RESTORATION OF STONE WALL FRONTING HULIHEE PALACE.					
		CONSTRUCTION					50
		TOTAL FUNDING	LNR		A		50A
4.	SP2504	JOSEPH M. SOUZA, JR. TRAINING CENTER AND FIELD STATION, KAUAI					
		PLANS, DESIGN AND CONSTRUCTION FOR THE IMPROVEMENTS OF JOSEPH M. SOUZA, JR. TRAINING CENTER AND FIELD STATION. (GRANT-IN-AID)					
		PLANS					5
		DESIGN					5
		CONSTRUCTION					10
		TOTAL FUNDING	LNR		A		20A
5.	HP0503	OLD KONA AIRPORT PARK, HAWAII					
		CONSTRUCTION AND EQUIPMENT FOR THE RENOVATION AND IMPROVEMENT TO THE KITCHEN FACILITY AT THE OLD KONA AIRPORT PARK PAVILION.					
		CONSTRUCTION					25
		EQUIPMENT					25
		TOTAL FUNDING	LNR		A		50A
6.	HP0506	OLD KONA AIRPORT STATE PARK, HAWAII					
		PLANS, DESIGN, AND CONSTRUCTION FOR CANOE SHEDS, CLUBHOUSES, AND CANOE LANDING AT THE OLD KONA AIRPORT STATE PARK.					
		PLANS					10
		DESIGN					10
		CONSTRUCTION					114
		TOTAL FUNDING	LNR		A		134A
7.	HP5101	POLIHALE STATE PARK, KAUAI					
		DESIGN AND CONSTRUCTION FOR THE IMPROVEMENTS AND/OR RELOCATION OF THE EXISTING ROADWAY TO ALLEVIATE ROADWAY DESTRUCTION DUE TO FLOOD WATERS. PROJECT MAY INCLUDE NEW BRIDGE, CULVERT AND/OR ALTERNATIVES NECESSARY TO RESOLVE THE PROBLEM.					
		DESIGN					10
		CONSTRUCTION					40
		TOTAL FUNDING	LNR		A		50A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
8	HP3102	PUUKAKEA TRAIL, OAHU					
		CONSTRUCTION OF PUUKAKEA TRAIL					
		CONSTRUCTION				20	
		TOTAL FUNDING	LNR		A	20A	
9	SP2502	SKATEBOARD RAMPS, KAUAI					
		DESIGN AND CONSTRUCTION OF A SKATEBOARD RAMP TO BE BUILT IN A STATE PARK IN WEST KAUAI					
		DESIGN				5	
		CONSTRUCTION				45	
		TOTAL FUNDING	LNR		A	50A	
TRN801	**- OCEAN-BASED RECREATION**						
10	SP0806	KAHALUU SMALL BOAT RAMP IMPROVEMENTS, OAHU					
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO KAHALUU SMALL BOAT RAMP AND KAHALUU SHORELINE PARK					
		DESIGN				15	
		CONSTRUCTION				85	
		TOTAL FUNDING	TRN		A	100A	
11	HP0504	KAILUA-KONA PIER, KONA, HAWAII					
		PLANS AND DESIGN FOR A TOURIST INFORMATION/RESTROOMS MARINE ENFORCEMENT OFFICE AT THE KAILUA PIER KONA HAWAII TO REPLACE THE OLD OUTMODED SMALL BUILDING					
		PLANS				10	
		DESIGN				10	
		TOTAL FUNDING	TRN		A	20A	
12	JP0304	KAPA'A BOAT RAMP, HAWAII					
		PLANS AND DESIGN OF A BOAT RAMP AT KAPA'A COUNTY BEACH PARK NORTH KOHALA, HAWAII					
		PLANS				75	
		DESIGN				20	
		TOTAL FUNDING	TRN		A	95A	
13	JP0524	MALA WHARF, MAUI					
		DESIGN AND CONSTRUCTION FOR RENOVATIONS OF MALA WHARF IN LAHAINA, MAUI					
		DESIGN				50	
		CONSTRUCTION				150	
		TOTAL FUNDING	TRN		A	200A	
14	HP0105	POHOIKI BOAT RAMP, HAWAII					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
	PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS AT POHOIKI BOAT RAMP						
		PLANS				1	
		DESIGN				2	
		CONSTRUCTION				17	
		TOTAL FUNDING	TRN		A	20A	
15.	HP5003 WAIKAEA BOAT HARBOR, KAUAI						
	DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO WAIKAEA BOAT HARBOR.						
		DESIGN				10	
		CONSTRUCTION				122	
		TOTAL FUNDING	TRN		A	132A	
GOVERNMENT-WIDE SUPPORT							
LNR101	**- PUBLIC LANDS MANAGEMENT**						
1.	HP0408 ROAD IMPROVEMENTS TO THE FOURTH DISTRICT, HAWAII						
	CONSTRUCTION TO IMPROVE ROADS IN PAAUILO AND OOKALA, HAWAII.						
		CONSTRUCTION				23	
		TOTAL FUNDING	LNR		A	23A	
2.	JS0218 PEACE ACADEMY AND PARK, HAWAII						
	PLANS AND DESIGN FOR A PEACE ACADEMY AND PARK IN HAWAII						
		PLANS				50	
		DESIGN				225	
		TOTAL FUNDING	LNR		A	275A	
AGS221	**- CONSTRUCTION**						
3.	SP2219 CULTURAL CENTER, PEARL CITY, OAHU						
	CONSTRUCTION FOR A CULTURAL CENTER TO INCLUDE AN AUDITORIUM LOCATED IN PEARL CITY.						
		CONSTRUCTION				113	
		TOTAL FUNDING	AGS		A	113A	
4.	JP1529 KUHIO BEACH PARK, OAHU						
	DESIGN AND CONSTRUCTION FOR A DUKE KAHANAMOKU STATUE, LANDSCAPING AND IRRIGATION.						
		DESIGN				10	
		CONSTRUCTION				70	
		TOTAL FUNDING	AGS		A	80A	
5.	JP1427 MANOA VALLEY THEATRE, OAHU						

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
	PLANS, DESIGN AND CONSTRUCTION OF A SET CONSTRUCTION WORKSHOP (GRANT-IN-AID)						
		PLANS				10	
		DESIGN				12	
		CONSTRUCTION				298	
		TOTAL FUNDING	AGS		A	320	A
6	HP1204	MILILANI PERFORMING ARTS CENTER, OAHU					
	PLANS AND DESIGN FOR A PERFORMING ARTS CENTER						
		PLANS				50	
		DESIGN				50	
		TOTAL FUNDING	AGS		A	100	A
7	HP1302	WAHIAWA CIVIC CENTER, OAHU					
	CONSTRUCTION FOR THE WAHIAWA CIVIC CENTER						
		CONSTRUCTION				180	
		TOTAL FUNDING	AGS		A	180	A
8	HP1303	PARKING LOT, OAHU					
	PLANS AND DESIGN FOR THE CONVERSION OF THE OPEN FIELD AT THE CORNER OF WILIKINA DRIVE AND KAMEHAMEHA HIGHWAY INTO A PARKING LOT						
		PLANS				10	
		CONSTRUCTION				10	
		TOTAL FUNDING	AGS		A	20	A
9	SP2503	VETERANS' CENTER, KAUAI					
	DESIGN, CONSTRUCTION, SEWER, WATER, FURNITURE AND EQUIPMENT FOR A KAUAI VETERANS' CENTER (GRANT-IN-AID)						
		DESIGN				25	
		CONSTRUCTION				50	
		EQUIPMENT				25	
		TOTAL FUNDING	AGS		A	100	A
10	JS1315	WAIKIKI COMMUNITY CENTER RENOVATIONS, OAHU					
	DESIGN AND CONSTRUCTION FOR RENOVATIONS TO INCLUDE A SICK ROOM FOR MILDLY ILL CHILDREN ALONG WITH MODIFICATION OF CHILDREN'S BATH ROOM AND THE ADDITION OF ADULT BATHROOMS TO MEET LICENSING REQUIREMENTS AND BUILDING CODES TERMITE TREATMENT ALSO INCLUDED						
		DESIGN				29	
		CONSTRUCTION				150	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		TOTAL FUNDING	AGS		A		179A
11.	JP1530	WAIKIKI GATEWAY PARK, OAHU					
		DESIGN AND CONSTRUCTION TO WIDEN SIDEWALK, CREATE PATHS, LANDSCAPING (SOIL PREP/TOPSOIL/RE-PLANT/CURB-LINE TREES), AND IRRIGATION.					
		DESIGN					50
		CONSTRUCTION					150
		TOTAL FUNDING	AGS		A		200A
12.	SP1501	WAIKIKI HEALTH CENTER, OAHU					
		CONSTRUCTION FOR THE ROOF INSTALLATION AND REPAIR FOR WAIKIKI HEALTH CENTER AND ADJOINING CHAPEL. (GRANT-IN-AID)					
		CONSTRUCTION					20
		TOTAL FUNDING	AGS		A		20A
13.	SP1502	WAIKIKI HEALTH CENTER, OAHU					
		CONSTRUCTION TO PAINT THE EXTERIOR OF THE WAIKIKI HEALTH CENTER AND THE ADJOINING CHAPEL. (GRANT-IN-AID)					
		CONSTRUCTION					20
		TOTAL FUNDING	AGS		A		20A
14.	SP1503	WAIKIKI HEALTH CENTER, OAHU					
		CONSTRUCTION TO REPAVE PARKING AREA BORDERING 227 OHUA ST. AND USED BY THE WAIKIKI HEALTH CENTER. (GRANT-IN-AID)					
		CONSTRUCTION					12
		TOTAL FUNDING	AGS		A		12A
15.	HP3101	WILDER AVENUE, OAHU					
		CONSTRUCTION FOR A SIDEWALK ALONG WILDER AVENUE NEAR THE MAKIKI CEMETERY, EWA PENSACOLA STREET.					
		CONSTRUCTION					5
		TOTAL FUNDING	AGS		A		5A
SUB201	**- city & county of honolulu**						
16.	SP2403	HORSESHOE ARENA, OAHU					
		CONSTRUCTION OF A HORSESHOE ARENA AT THE WAIANAE BOAT HARBOR REGIONAL PARK.					
		CONSTRUCTION					50
		TOTAL FUNDING	CCH		A		50A
17.	HP3002	KALIA RIGHT-OF-WAY, OAHU.					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		PLANS, DESIGN, AND CONSTRUCTION OF IMPROVEMENTS TO KALIA RIGHT-OF-WAY INCLUDING LANDSCAPING (SOIL PREPARATION, TOP SOIL, PATHOS VINES 200 VERTICAL SHRUBS CREEPING FIG) AND IRRIGATION					
		PLANS				1	
		DESIGN				4	
		CONSTRUCTION				45	
		TOTAL FUNDING	CCH		A		50A
18		HP3703 KALIHI VALLEY NATURE PARK, OAHU					
		PLANS, DESIGNS, AND CONSTRUCTION FOR DEVELOPMENT OF KALIHI VALLEY NATURAL PARK PLAN A NATURE CONSERVANCY OR NATURAL HISTORY PARK FOR NATIVE PLANTS					
		PLANS				5	
		DESIGN				5	
		CONSTRUCTION				40	
		TOTAL FUNDING	CCH		A		50A
19		HP2102 KAMILOIKI PARK, OAHU					
		CONSTRUCTION FOR LONG PROTECTIVE FENCING TO PREVENT STRAY BALLS ON ADJACENT STREET INSTALLATION OF FENCING ALONG LUNALILO HOME ROAD AND HAWAII KAI DRIVE					
		CONSTRUCTION				50	
		TOTAL FUNDING	CCH		A		50A
20		JP0816 KANEOHE DISTRICT PARK, OAHU					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR IMPROVEMENTS TO THE PARK, INCLUDING LANDSCAPING, SPRINKLER SYSTEM, DRAINAGE, FENCING AND NEW BALL FIELDS FUNDS TO BE MATCHED BY THE CITY AND COUNTY OF HONOLULU					
		DESIGN				20	
		CONSTRUCTION				275	
		EQUIPMENT				5	
		TOTAL FUNDING	CCH		A		300A
21		HP2801 KAPAHULU TRIANGLE/GATEWAY TO KAIMUKI					
		PLANS, DESIGN, AND CONSTRUCTION FOR BEAUTIFICATION PROJECT AS A PART OF "ADOPT A PARK" PROGRAM, TO INCLUDE RESURFACING, LANDSCAPING, INSTALLATION OF WATER LINES AND OTHER IMPROVEMENTS					
		PLANS				5	
		DESIGN				5	
		CONSTRUCTION				90	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
		TOTAL FUNDING	CCH		A		100A
22.	JP1840	KAPALAMA CANAL RENOVATIONS AND BEAUTIFICATIONS, OAHU					
		DESIGN AND CONSTRUCTION FOR VARIOUS IMPROVEMENTS TO CORRECT DEFICIENCIES AND BEAUTIFY SURROUNDING AREA.					
		DESIGN					16
		CONSTRUCTION					232
		TOTAL FUNDING	CCH		A		248A
23.	HP0302	KAPIOLANI ELEMENTARY, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR A COVERED BUS STOP AT KAPIOLANI ELEMENTARY SCHOOL.					
		PLANS					5
		DESIGN					5
		CONSTRUCTION					10
		TOTAL FUNDING	CCH		A		20A
24.	JP1121	KOKO HEAD DISTRICT PARK, OAHU					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR ADDITIONAL BASEBALL FIELDS WITH SOCCER FIELD NEARBY.					
		PLANS					1
		DESIGN					1
		CONSTRUCTION					265
		EQUIPMENT					1
		TOTAL FUNDING	CCH		A		268A
25.	JP2244	KOMO MAI DRIVE, OAHU					
		DESIGN AND CONSTRUCTION FOR SIDEWALK FROM 1840 KOMO MAI DRIVE TO THE INTERSECTION OF KOMO MAI AND AANIU LOOP.					
		DESIGN					1
		CONSTRUCTION					49
		TOTAL FUNDING	CCH		A		50A
26.	HP2402	KUHIO AVENUE/LILIUOKALANI MINI-PARK UPGRADE, OAHU					
		PLAN, DESIGN, AND CONSTRUCTION FOR IMPROVING TRASH STATIONS, WIDENING SIDEWALK, UPGRADING FURNITURE, REPLACING CHAIN FENCE, WASLL PAINTING, SOIL PREPING, TOP SOIL, 20 PERCENT PLANT 80 PER CENT GRASS, AND IRRIGATION.					
		PLANS					1
		DESIGN					4
		CONSTRUCTION					45
		TOTAL FUNDING	CCH		A		50A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
27	HP4809 LUALUALEI PARK, OAHU						
	CONSTRUCTION FOR A HORSESHOE PIT AT LUALUALEI PARK						
		CONSTRUCTION					6
		TOTAL FUNDING	CCH		A		6A
28	JP1431 MAKIKI DISTRICT PARK OAHU						
	CONSTRUCTION OF A SWIMMING POOL						
		CONSTRUCTION					250
		TOTAL FUNDING	CCH		A		250A
29	HP3411 MAMALU STREET OAHU						
	CONSTRUCTION FOR THE INSTALLATION OF RAISED PAVEMENT MARKERS (RUMBLE STRIPS) ON THE 1300 BLOCK OF MAMALU STREET, AND AT ANY OTHER JUNCTURE ON THE STREET DEEMED NECESSARY						
		CONSTRUCTION					10
		TOTAL FUNDING	CCH		A		10A
30	HP3207 MCCULLY RECREATION CENTER						
	PLANS AND DESIGN FOR RENOVATIONS AND IMPROVEMENTS TO FACILITIES AND GROUNDS SPECIFICALLY TO PLAN AND DESIGN A NEW FLOOR (GRANT-IN-AID)						
		PLANS					5
		DESIGN					5
		TOTAL FUNDING	CCH		A		10A
31	JP2512 PALOLO GYMNASIUM OAHU						
	CONSTRUCTION FOR THE RE-ROOFING AND CEILING CHANGE OF THE PALOLO GYMNASIUM						
		CONSTRUCTION					10
		TOTAL FUNDING	CCH		A		10A
32	HP2304 WAILUPE VALLEY STREAM						
	PLANS, DESIGN AND CONSTRUCTION FOR THE BANK STABILIZATION OF WAILUPE STREAM, FUNDS TO BE MATCHED BY THE CITY AND COUNTY OF HONOLULU						
		PLANS					10
		DESIGN					10
		CONSTRUCTION					30
		TOTAL FUNDING	CCH		A		50A
SUB301	**- COUNTY OF HAWAII**						
33	SP0104 CAPITAL IMPROVEMENTS DISTRICTS OF NORTH & SOUTH KONA AND KA'U, HAWAII						

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
	PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR THE FOLLOWING PROJECTS: 1. PORTABLE CLASSROOMS, WEIGHT ROOM AND/OR OTHER CAPITAL IMPROVEMENTS TO SCHOOL FACILITIES; AND/OR 2. CANOE SHEDS/CLUBHOUSES AT THE OLD KONA AIRPORT PARK; AND/OR 3. INFORMATION/COMFORT STATION/ BUILDING AT KAILUA PIER.						
		PLANS				1	
		LAND				1	
		DESIGN				1	
		CONSTRUCTION				207	
		EQUIPMENT				1	
		TOTAL FUNDING	COH		A	211	A
34.	JP0304	HAKALAU COMMUNITY CENTER, HAWAII					
	PLANS, DESIGN AND CONSTRUCTION FOR A COMMUNITY CENTER COMPLEX, HAKALAU, HAWAII.						
		PLANS				5	
		DESIGN				20	
		CONSTRUCTION				25	
		TOTAL FUNDING	COH		A	50	A
35.	JP3402	KOHALA COMMUNITY CENTER, HAWAII					
	PLANS, DESIGN, INCLUDING SITE SELECTION OF A COMMUNITY CENTER AT NORTH KOHALA ON THE ISLAND OF HAWAII.						
		PLANS				25	
		DESIGN				149	
		TOTAL FUNDING	COH		A	174	A
36.	HP0802	MAINSTREET, HAWAII					
	PLANS, DESIGN AND CONSTRUCTION FOR RENOVATIONS AND REPAIRS OF THE PALACE THEATER.						
		PLANS				1	
		DESIGN				1	
		CONSTRUCTION				18	
		TOTAL FUNDING	COH		A	20	A
37.	JP3406	MILO VILLAGE, O'OKALA, HAWAII					
	PLANS, DESIGN AND CONSTRUCTION TO INSTALL PIPELINE AND FIRE HYDRANT TO PROVIDE FIRE PROTECTION FOR MILO VILLAGE, O'OKALA, HAWAII.						
		PLANS				5	
		DESIGN				35	
		CONSTRUCTION				40	
		TOTAL FUNDING	COH		A	80	A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
38	SP0310	RESURFACING OF ROADS IN THE 4TH AND 6TH REPRESENTATIVE DISTRICTS, HAWAII					
		CONSTRUCTION FOR THE RESURFACING OF ROADS IN PAAUILO AND O'OKAKA AND NORTH KOHALA					
		CONSTRUCTION				100	
		TOTAL FUNDING	COH		A	100	A
SUB401	**- COUNTY OF MAUI**						
39	JP0306	HANA DAY CARE CENTER, MAUI					
		CONSTRUCTION TO REPAIR AND REPLACEMENT OF BUILDING INFRASTRUCTURE (E G PLUMBING, ELECTRICAL WORK), BATHROOMS AND CARPETING					
		CONSTRUCTION				60	
		TOTAL FUNDING	COM		A	60	A
40	HP1001	COMMUNITY SERVICES FACILITY, MOLOKAI					
		CONSTRUCTION FOR A NEW BUILDING TO HOUSE MAUI ECONOMIC OPPORTUNITY OFFICES, TRANSPORTATION SERVICES, HEADSTART AND DAY CARE PROGRAMS ON MOLOKAI					
		CONSTRUCTION				500	
		TOTAL FUNDING	COM		A	500	A
41	SP0502	KIHEI RECREATIONAL FACILITY AND GYMNASIUM MAUI					
		PLANS AND DESIGN OF A RECREATIONAL FACILITY AT KIHEI					
		PLANS				25	
		DESIGN				50	
		TOTAL FUNDING	COM		A	75	A
42	HP0702	KULA COMMUNITY PARK, MAUI					
		CONSTRUCTION FOR PARK IMPROVEMENTS AT KULA COMMUNITY PARK					
		CONSTRUCTION				70	
		TOTAL FUNDING	COM		A	70	A
43	SP0501	UALAPUE FISHPOND, MOLOKAI					
		CONSTRUCTION OF FISHPOND WALLS					
		CONSTRUCTION				30	
		TOTAL FUNDING	COM		A	30	A
44	SP0401	UP COUNTRY COMMUNITY CENTER, PUKALANI, MAUI					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
		DESIGN AND CONSTRUCTION OF UP COUNTRY COMMUNITY CENTER, PUKALANI. FUNDS TO BE MATCHED BY THE COUNTY OF MAUI.					
		DESIGN				130	
		CONSTRUCTION				900	
		TOTAL FUNDING	COM		A	1,030	A
SUB501	**- COUNTY OF KAUAI**						
45.		HP4901 ANAHOLA MAUKA PARK, KAUAI.					
		CONSTRUCTION OF A BASKETBALL COURT, INCLUDING PAVING, STRIPPING AND BACKBOARDS.					
		CONSTRUCTION				30	
		TOTAL FUNDING	COK		A	30	A
46.		SP2506 VETERANS' CEMETERY RENOVATION AND EXPANSION, KAUAI					
		PLANS FOR EXPANSION AND IMPROVEMENTS OF VETERANS' CEMETERY, INCLUDING PLANS, DESIGN AND CONSTRUCTION OF ILLUMINATION FACILITIES FOR NATIONAL AND STATE SYMBOLS OF PATRIOTISM.					
		PLANS				60	
		TOTAL FUNDING	COK		A	60	A

SECTION 3. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislative has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $25,476,000 or 1.0 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 4. The appropriations and authorizations in Section 2 of this Act include land acquisition, plans, design, site preparation, improvements to land, construction, equipment, and necessary off-site improvements.

SECTION 5. Where an agency is able to secure funds or other property from private organizations or individuals, to be expended or utilized in connection with any program authorized by this Act, the governor, or the agency with the governor's approval, shall have the power to enter into each undertaking.

SECTION 6. If the State should assume direct operation of any nongovernmental agency receiving state funds under the provisions of this Act, all such funds shall constitute a credit to the State against the costs of acquiring all or any

portion of the property, real, personal, or mixed, or such nongovernmental agency The credit shall be applicable regardless of when such acquisition takes place

SECTION 7 Any law or any provision of this Act to the contrary notwithstanding, all authorizations for capital improvement projects made for fiscal year 1990-91 which are unencumbered as of June 30, 1992, shall lapse as of that date, provided that the lapsing date shall not apply to projects necessary to qualify for federal aid financing and reimbursement if the legislature redetermines that such projects are essential

PART II. SPECIAL PROVISIONS

SECTION 8. GOVERNOR'S DISCRETIONARY POWERS When it is deemed in the public interest of the State, the governor, in the governor's discretion, is authorized to use general obligation bond funds to finance capital improvement projects authorized for this fiscal biennium in this Act, where the method of financing is designated to be the general fund Any law or provision to the contrary notwithstanding, the governor may replace general funds appropriated for capital improvement projects with general obligation reimbursable bond funds, when the expenditure of such general obligation reimbursable bond funds is deemed appropriate for the project

SECTION 9 If the amount specified for any capital improvement project is not totally required to complete the work of such project or after it is definitely found by the expending officer that not more than a specified amount will be required to complete such work, such unrequired amount may be expended with the approval of the governor for any other capital improvement project authorized by the legislature in the future

SECTION 10 In releasing funds for projects, the governor shall consider legislative intent, the objectives of the user agency and its programs, the scope and level of the user agency's intended services, and the means, efficiency, and economics by which the project will meet the objectives of the user agency and the State Agencies responsible for construction shall take into consideration the objectives of the user agency and its programs, the scope and level of the user agency's intended service and thereby construct the improvement to meet the objectives of the user agency in the most efficient and economical manner possible

SECTION 11 The designated expending agency for capital improvements authorized in this Act is authorized to delegate to other state or county agencies the acquisition of land, design, and construction of such projects when it is determined by such agency that it is advantageous to do so, provided that a report of all such delegations for the period ending December 31 of each calendar year shall be made to the first regular session of the legislature convened after such delegations have been made

SECTION 12 Any law or any provision to the contrary notwithstanding, the governor may supplement funds for any early- phased cost element for a capital improvement project authorized under this Act by transferring such sums as may be needed from the funds authorized for later-phased cost elements for the same project authorized by the legislature in this Act or in a prior year or which may be authorized by the legislature in the future.

SECTION 13. Where it has been determined that changed conditions, such as a reduction in the particular population being served, permit the reduction in the scope of a capital improvement project described in this Act, the governor may authorize such reduction of project scope; provided that the scope of a project shall not be reduced merely because the authorization for a project is insufficient.

SECTION 14. The negotiation for the purchase of land by state agencies shall be subject to the approval of the governor. Private lands may be acquired for the purpose of exchange for federal lands when the governor determines that such acquisition and exchange are necessary to the completion of any project authorized in this Act.

SECTION 15. Where county capital improvement projects are partially or totally funded by state funds as authorized in this Act or any other act of the legislature, this fact should be appropriately acknowledged during construction and upon completion of these projects.

SECTION 16. No authorization in this Act shall be considered to be a mandate under Article VIII, Section 5 of the Hawaii State Constitution, for a political subdivision to undertake new programs or to increase the level of services under existing programs of that political subdivision. If any authorization in this Act falls within the provision of Article VIII, Section 5 of the Hawaii State Constitution, such authorization shall be void, and in the case of capital improvement authorizations designated to be financed from the general obligation bond fund, the total general obligation bonds authorized under section 2 of this Act shall be correspondingly decreased.

SECTION 17. If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, then the legislature hereby declares that the remainder of the Act and each and every other provision thereof shall not be affected thereby. If any portion of a specific authorization is held to be invalid for any reason, the remaining portion shall be independent of the invalid portion and such remaining portion shall be expended to fulfill the objective of such authorization to the extent possible. If any portion of a specific lapse is held to be invalid for any reason, the remaining portion shall be independent of the invalid portion and such remaining portion shall be lapsed to fulfill the objective of such lapse to the extent possible.

SECTION 18. If manifest clerical, typographical, or other mechanical errors are found in this Act, the governor is hereby authorized to correct such errors. All changes made pursuant to this section shall be reported to the legislature at its next session.

SECTION 19. This Act shall take effect July 1, 1990.

(Approved June 26, 1990.)

ACT 301

H B NO 2608

A Bill for an Act Relating to Judiciary

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 This Act shall be known as the Judiciary Supplemental Appropriations Act of 1990

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by $67,810,180, or 2 9 per cent, and for fiscal year 1990-1991 to be exceeded by $68,818,788, or 2 7 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 3 This Act amends Act 315, Session Laws of Hawaii 1989

SECTION 4 Section 4, Act 315, Session Laws of Hawaii 1989, is amended to read as follows

"SECTION 4 Appropriations The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are appropriated or authorized from the sources of funding specified to the judiciary for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991 The total expenditures and the number of permanent established positions in each fiscal year of the fiscal biennium shall not exceed the sums and the position ceilings indicated for each year, except as provided in this Act

PROGRAM APPROPRIATIONS

ITEM NO	PROG ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	APPROPRIATIONS FISCAL YEAR 1990-91	M O F
The Judicial System							
1	JUD101	Courts of Appeal		67 00*		[67 00*] 68 00*	
	OPERATING		JUD	3 546 821A		[3 526 519A]	
			JUD			3,726,695A	
2	JUD111	Circuit Courts		[370 00*] 371 00*		[375 00*] 377 00*	
	OPERATING		JUD	16 467 194A		[16 387 621A]	
			JUD			16,559,294A	
3	JUD112	Family Courts		351 50*		[373 50*] 378 50*	
	OPERATING		JUD	18 837 993A		[19 896 673A]	

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
			JUD			21,075,277A	
4.	JUD121	- District Courts					
				638.50*		[641.50*] 530.50*	
	OPERATING		JUD	17,566,524A		[17,677,246A]	
			JUD			14,995,043A	
				53.00*		53.00*	
			JUD	1,461,124B		[1,472,096B]	
			JUD			1,476,294B	
5.	JUD201	- Admin. Director Services					
				218.00*		[230.00*] 234.00*	
	OPERATING		JUD	11,391,648A		[11,810,033A]	
			JUD			12,462,479A	
	INVESTMENT CAPITAL		JUD	2,553,000C		[2,837,000C]	
			JUD			20,608,000C	

SECTION 5. PART II, Act 315, Session Laws of Hawaii 1989, is amended:

(1) By adding a new section to read as follows:

"SECTION 5A. Provided that of the appropriation for the judiciary, the sum of $10,000 in fiscal year 1990-91 may be made available to be established as a separate account for a protocol fund to be expended at the discretion of the chief justice."

(2) By amending Section 9 to read as follows:

"SECTION 9. Provided that of the general fund appropriation for the[1] circuit courts (JUD 111), the sum of $400,000 in fiscal year 1989-90 and [$400,000] $479,000 in fiscal year 1990-91 shall be expended to provide judicial services, which the legislature finds to be a public purpose, through purchase of services agreements under chapter 42, Hawaii Revised Statutes."

(3) By amending Section 12 to read as follows:

"SECTION 12. Provided that of the general fund appropriation for family courts (JUD 112), the sum of $5,427,031 in fiscal year 1989-90 and [$5,896,266] $6,832,569 in fiscal year 1990-91 shall be expended to provide judicial services, which the legislature finds to be a public purpose, through purchase of services agreements under chapter 42, Hawaii Revised Statutes."

(4) By adding a new section to read as follows:

"SECTION 16A. Provided that of the general fund appropriation for district court of the first circuit (JUD 121), the sum of $92,000 shall be expended in fiscal year 1990-91 to purchase computers, software, and networking capabilities for the traffic violations bureau."

(5) By adding a new section to read as follows

"SECTION 16B Provided that of the general fund appropriation for district court of the second circuit (JUD 121), the sum of $38,960 shall be expended in fiscal year 1990-91 for 2 00 clerk-typist II positions and equipment for the traffic violations bureau, Wailuku division."

(6) By amending Section 21 to read as follows

"SECTION 21 Provided that of the general fund appropriation for administrative director services (JUD 201), the sum of $376,234 in fiscal year 1989-90 and [$413,619] $453,619 in fiscal year 1990-91 shall be expended to provide judicial service, which the legislature finds to be a public purpose, through purchase of services agreements under chapter 42, Hawaii Revised Statutes "

(7) By adding a new section to read as follows

"SECTION 21B Provided that of the general fund appropriation for administrative director services (JUD 201), the sum of $20,000 shall be expended in fiscal year 1990-91 to provide sign language interpreter services "

(8) By adding a new section to read as follows.

"SECTION 21C Provided that of the general fund appropriation for the judiciary computer system (JUD 201), the sum of $50,000 shall be expended in fiscal year 1990-91 for developing a plan for an integrated communications network for the Hawaii judiciary, provided further that the judiciary appoint the chief information officer to review this proposed plan before the expenditure of these funds "

(9) By adding a new section to read as follows

"SECTION 30A Provided that to ensure the proper expenditure of funds, the judiciary shall submit a written report to the legislative auditor by October 31, 1990 on the progress it has made in implementing each of the recommendations in the legislative auditor's Report No 89-5, Management and Financial Audit of the Judiciary, provided further that the legislative auditor shall review the judiciary's progress in implementing the recommendations and the extent to which the judiciary is implementing its new budget format to provide information to the legislature similar to that provided by the executive branch, provided further that the legislative auditor shall submit a report to the 1991 regular session of the legislature on the judiciary's implementation of the recommendations in the legislative auditor's Report No 89-5 and on the judiciary's implementation of its new budget format "

SECTION 6 PART III CAPITAL IMPROVEMENT PROJECTS, Section 31, Act 315, Session Laws of Hawaii 1989, is amended to read as follows

"SECTION 31. Capital Improvement Projects The sum of [$5,390,000] $23,161,000 appropriated or authorized in Part II of this Act for capital investment shall be expended for the projects listed below Several related or similar projects may be combined into a single project, if such a combination is

advantageous or convenient, for land acquisition, design, and construction purposes; provided that the total cost of the projects thus combined shall not exceed the total of the sum specified for the projects separately. The amount after each cost element and the total funding for each project listed in this Part are in thousands of dollars and are to be expended by the judiciary.

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	MOF	FISCAL YEAR 1990-91	MOF
The Judicial System							
JUD201		**- Admin. Director Services**					
[1.		PLANNING AND LAND ACQUISITION OF A FAMILY COURT CENTER, OAHU.					
		PLANNING AND LAND ACQUISITION OF A FAMILY COURT CENTER.					
		PLANS		300			
		LAND		100			
		TOTAL FUNDING	JUD	400C			C]
1.		PLANNING AND LAND ACQUISITION OF A FAMILY COURT CENTER, OAHU.					
		PLANNING AND LAND ACQUISITION OF A FAMILY COURT CENTER, OAHU.					
		PLANS		300			
		LAND		100		15,204	
		TOTAL FUNDING	JUD	400C		15,204C	
[2.		HILO JUDICIARY COMPLEX, HAWAII					
		PLANNING AND DESIGN OF A JUDICIARY COMPLEX IN HILO TO ACCOMMODATE THE CIRCUIT, FAMILY AND DISTRICT COURTS.					
		PLANS		60			
		DESIGN		993		537	
		TOTAL FUNDING	JUD	1,053C		537C]	
2.		HILO JUDICIARY COMPLEX, HAWAII					
		PLANNING AND DESIGN OF A JUDICIARY COMPLEX IN HILO TO ACCOMMODATE THE CIRCUIT, FAMILY AND DISTRICT COURTS.					
		PLANS		60			
		DESIGN		993		1,320	
		TOTAL FUNDING	JUD	1,053C		1,320C	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
3		KOOLAUPOKO DISTRICT COURT, KANEOHE, OAHU					
		PLANNING, LAND ACQUISITION, AND DESIGN FOR KOOLAUPOKO DISTRICT COURT					
		PLANS		200			
		LAND				1,695	
		DESIGN				105	
		TOTAL FUNDING	JUD	200C		1,800C	
4		KONA JUDICIARY COMPLEX, KONA, HAWAII					
		PLANNING FOR THE KONA JUDICIARY COMPLEX					
		PLANS		100			
		TOTAL FUNDING	JUD	100C			C
[5		KAUAI JUDICIARY COMPLEX, KAUAI					
		PLANNING FOR THE KAUAI JUDICIARY COMPLEX					
		PLANS		100			
		TOTAL FUNDING	JUD	100C			C]
5		KAUAI JUDICIARY COMPLEX, KAUAI					
		PLANNING AND LAND ACQUISITION FOR THE KAUAI JUDICIARY COMPLEX					
		PLANS		100			
		LAND				750	
		DESIGN				830	
		TOTAL FUNDING	JUD	100C		1,580C	
6		MOLOKAI DISTRICT COURT, MOLOKAI					
		PLANNING FOR THE MOLOKAI DISTRICT COURT					
		PLANS		100			
		TOTAL FUNDING	JUD	100C			C
[7		WAHIAWA DISTRICT COURT, OAHU					
		PLANNING FOR THE WAHIAWA DISTRICT COURT					
		PLANS		100			
		TOTAL FUNDING	JUD	100C			C]
7		WAHIAWA DISTRICT COURT, OAHU					
		PLANNING AND DESIGN FOR THE WAHIAWA DISTRICT COURT					
		PLANS		100			
		DESIGN				204	
		TOTAL FUNDING	JUD	100C		204C	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's) FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
8.		REMODELING AND UPGRADING JUDICIARY BUILDINGS, STATEWIDE					
		DESIGN, CONSTRUCTION AND FURNISHING OF EQUIPMENT TO REMODEL AND UPGRADE JUDICIARY BUILDINGS, STATEWIDE.					
		DESIGN		75		75	
		CONSTRUCTION		300		400	
		EQUIPMENT		25		25	
		TOTAL FUNDING	JUD	400C		500C	
[9.		JUVENILE DETENTION CENTER, OAHU					
		PLANS		100			
		TOTAL FUNDING	JUD	100C			C]
9.		JUVENILE DETENTION CENTER, OAHU					
		PLANS FOR A NEW JUVENILE DETENTION CENTER.					
		PLANS		100			
		TOTAL FUNDING	JUD	100C			C

SECTION 7. PART IV. ISSUANCE OF BONDS, Section 34, Act 315, Session Laws of Hawaii 1989, is amended to read as follows:

"SECTION 34. General Obligation Bonds. General obligation bonds may be issued, as provided by law, to yield the amount that may be necessary to finance projects authorized in Part II and listed in Part III of this Act, provided that the sum total of the general obligation bonds so issued shall not exceed [$5,390,000] $23,161,000."

SECTION 8. Severability. If any portion of this Act or its application to any person or circumstance is held to be invalid for any reason, then the legislature hereby declares that the remainder of the Act and each and every other provision thereof shall not be affected thereby. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be independent of the invalid portion and such remaining portion shall be expended to fulfill the objective and intent of such appropriation to the extent possible.

SECTION 9. Manifest errors. In the event manifest clerical, typographical, or other mechanical errors are found in this Act, the chief justice is authorized to correct such errors. All changes made pursuant to this section shall be reported to the legislature at its next session.

SECTION 10. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 11. Effective date. This Act shall take effect upon approval.

(Approved June 26, 1990.)

Note

1 So in original

ACT 302

H B NO 2990

A Bill for an Act Relating to State Bonds.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1. Declaration of findings with respect to the general obligation bonds authorized by this Act Pursuant to the clause in Article VII, section 13, of the State Constitution which states. "Effective July 1, 1980, the legislature shall include a declaration of findings in every general law authorizing the issuance of general obligation bonds that the total amount of principal and interest, estimated for such bonds and for all bonds authorized and unissued and calculated for all bonds issued and outstanding, will not cause the debt limit to be exceeded at the time of issuance", the legislature finds and declares as follows.

(1) Limitation on general obligation debt. The debt limit of the State is set forth in Article VII, section 13, of the State Constitution, which states in part "General obligation bonds may be issued by the State, provided that such bonds at the time of issuance would not cause the total amount of principal and interest payable in the current or any future fiscal year, whichever is higher, on such bonds and on all outstanding general obligation bonds to exceed. a sum equal to twenty percent of the average of the general fund revenues of the State in the three fiscal years immediately preceding such issuance until June 30, 1982, and thereafter, a sum equal to eighteen and one-half percent of the average of the general fund revenues of the State in the three fiscal years immediately preceding such issuance " Article VII, section 13, also provides that in determining the power of the State to issue general obligation bonds, certain bonds are excludable, including "reimbursable general obligation bonds issued for a public undertaking, improvement or system but only to the extent that reimbursements to the general fund are in fact made from the net revenue, or net user tax receipts, or combination of both, as determined for the immediately preceding fiscal year "

(2) Actual and estimated debt limits. The limit on principal and interest of general obligation bonds issued by the State, actual for fiscal year 1989-1990 and estimated for each fiscal year from 1990-1991 to 1992-1993, is as follows

Fiscal Year	Net General Fund Revenues	Debt Limit
1986-87	$1,759,104,963	
1987-88	$2,135,842,312	
1988-89	$2,344,160,356	
1989-90	$2,321,094,000	$384,744,971
1990-91	$2,590,297,000	$419,400,961
1991-92	$2,793,458,000	$447,425,667
1992-93	(not applicable)	$475,132,355

For fiscal years 1989-90, 1990-91, 1991-92, and 1992-93, respectively, the debt limit is derived by multiplying the average of the net

general fund revenues for the three preceding fiscal years by eighteen and one-half per cent. The net general fund revenues for fiscal years 1986-87, 1987-88, and 1988-89 are actual, as certified by the director of finance in the Statement of the Debt Limit of the State of Hawaii as of July 1, 1989, dated November 21, 1989. The net general fund revenues for fiscal years 1989-90 to 1991-92 are estimates, based on general fund revenue estimates made as of March 10, 1990, by the council on revenues, the body assigned by Article VII, section 7, of the State Constitution to make such estimates, and based on estimates made by the department of budget and finance of those receipts which cannot be included as general fund revenues for the purpose of calculating the debt limit, all of which estimates the legislature finds to be reasonable.

(3) Principal and interest on outstanding bonds applicable to the debt limit. According to the department of budget and finance, the total amount of principal and interest on outstanding general obligation bonds for determining the power of the State to issue general obligation bonds within the debt limit, as of April 1, 1990, is as follows for fiscal year 1990-91 to fiscal year 1996-97:

Fiscal Year	Principal and Interest
1990-91	$234,659,120
1991-92	$232,346,477
1992-93	$223,399,813
1993-94	$214,548,170
1994-95	$210,154,963
1995-96	$188,926,531
1996-97	$170,673,554

The department of budget and finance further reports that the amount of principal and interest on outstanding bonds applicable to the debt limit continues to decline each year from fiscal year 1997-98 to fiscal year 2011-12 when the final installment of $15,347 shall be due and payable.

(4) Amount of authorized and unissued general obligation bonds and bonds authorized by this Act. As calculated from the state comptroller's bond fund report as of February 28, 1990, adjusted for: (1) the issuance of $80,005,159.73 general obligation bonds Series BQ; (2) appropriations to be funded by general obligation bonds and reimbursable general obligation bonds as provided in Act 315, Session Laws of Hawaii 1989 (Judiciary Appropriations Act of 1989) and Act 316, Session Laws of Hawaii 1989 (General Appropriations Act of 1989) to be expended in fiscal year 1990-91; (3) changes in means of financing from general obligation bond fund to general funds or special funds in the amount of $1,543,000 as provided in House Bill No. 2500, H.D. 1, S.D. 1, C.D. 1 (the Supplemental Appropriations Act of 1990)[1]; (4) lapses of prior appropriations for which the means of financing is general obligation bonds and reimbursable general obligation bonds in the amount of $14,898,000 as provided in House Bill No. 2500, H.D. 1, S.D. 1, C.D. 1 (the Supplemental Appropriations Act of 1990)[1]; and

(5) reductions in prior appropriations for which the means of financing is general obligation bonds and reimbursable general obligation bonds in the amount of $16,015,000 as provided in House Bill No 2500, H D 1, S D 1, C D 1 (the Supplemental Appropriations Act of 1990)[1], the total amount of authorized but unissued general obligation bonds is $521,669,990 The total amount of general obligation bonds authorized by this Act is $284,964,000 The total amount of general obligation bonds previously authorized and unissued and the general obligation bonds authorized by this Act is $806,633,990

(5) Proposed general obligation bond issuance As reported by the department of budget and finance for fiscal years 1989-90, 1990-91, 1991-92, and 1992-93, the State proposes to issue $80,000,000 during the remainder of fiscal year 1989-90, one series of $100,000,000 and one series of $80,000,000 during the first half of fiscal year 1990-91, two series of $115,000,000 each during the second half of fiscal year 1990-91, and $80,000,000 semiannually in each of fiscal years 1991-92 and 1992-93 It has been the practice of the State to issue twenty-year serial bonds with principal repayments beginning the third year, the bonds maturing in substantially equal annual installments of principal, and interest payments commencing six months from the date of issuance and being paid semiannually thereafter It is assumed that this practice will continue to be applied to the bonds which are proposed to be issued

(6) Sufficiency of proposed general obligation bond issuance to meet the requirements of authorized and unissued bonds, as adjusted, and bonds authorized by this Act From the schedule reported in paragraph (5), the total amount of general obligation bonds which the State proposes to issue during the fiscal years 1989-90 to 1991-92 is $650,000,000 An additional $160,000,000 is proposed to be issued in fiscal year 1992-93 The total amount of $650,000,000 which is proposed to be issued through fiscal year 1991-92 is sufficient to meet the requirements of the authorized and unissued bonds, as adjusted, and the bonds authorized by this Act, the total amount of which is $806,633,990, as reported in paragraph (4), except for $156,633,990 It is assumed that the appropriations to which an additional $156,633,990 in bond issuance needs to be applied will have been encumbered as of June 30, 1992 The $160,000,000 which is proposed to be issued in fiscal year 1992-93 will be sufficient to meet the requirements of the June 30, 1992, encumbrances in the amount of $156,633,990 The amount of assumed encumbrances as of June 30, 1992 is reasonable and conservative, based upon an inspection of June 30 encumbrances of the general obligation bond fund as reported by the state comptroller Thus, taking into account the amount of authorized and unissued bonds, as adjusted, and the bonds authorized by this Act versus the amount of bonds which is proposed to be issued by June 30, 1992, and the amount of June 30, 1992, encumbrances versus the amount of bonds which is proposed to be issued in fiscal year 1990-91, the legislature finds that in the aggregate, the amount of bonds which is proposed to be issued is sufficient to meet the requirements of all authorized and unissued bonds and the bonds authorized by this Act

(7) Bonds excludable in determining the power of the State to issue bonds As noted in paragraph (1), certain bonds are excludable in

determining the power of the State to issue general obligation bonds. General obligation reimbursable bonds can be excluded under certain conditions. It is not possible to make a conclusive determination as to the amount of reimbursable bonds which are excludable from the amount of each proposed bond issued because:

(A) It is not known exactly when projects for which reimbursable bonds have been authorized in prior acts and in this Act will be implemented and will require the application of proceeds from a particular bond issue; and

(B) While at the present time, all of the special funds which are required to make reimbursements to the general fund on bonds issued are in a condition to qualify all of the reimbursable bonds for exclusion, it cannot be stated with certainty that such a condition will continue.

However, the legislature notes that with respect to the principal and interest on outstanding general obligation bonds, according to the department of budget and finance, the average proportion of principal and interest which is excludable each year from calculation against the debt limit is 11.08 per cent for the ten years from fiscal year 1990-91 to fiscal year 1997-98. For the purpose of this declaration, the assumption is made that ten per cent of each bond issue will be excludable from the debt limit, an assumption which the legislature finds to be reasonable and conservative.

(8) Determination whether the debt limit will be exceeded at the time of issuance. From the foregoing and on the assumption that all of the bonds identified in paragraph (5) will be issued at an interest rate of 8.5 per cent, it can be determined from the following schedule that the bonds which are proposed to be issued, which include all authorized and unissued bonds previously authorized, as adjusted, general obligation bonds and instruments of indebtedness under which the State incurs a contingent liability as a guarantor authorized in this Act, will not cause the debt limit to be exceeded at the time of such issuance:

Time of Issuance and Amount to be Counted Against Debt Limit	Debt Limit at Time of Issuance	Greatest Amount and Year of Highest Principal and Interest	
Remainder FY 1989-90 $72,000,000	$384,744,971	$240,779,120	(FY 1990-91)
1st half FY 1990-91 $90,000,000	$419,400,961	$246,116,477	(FY 1991-92)
1st half FY 1990-91 $72,000,000	$419,400,961	$252,236,477	(FY 1991-92)
2nd half FY 1990-91 $103,500,000	$419,400,961	$254,913,977	(FY 1991-92)
2nd half FY 1990-91 $103,500,000	$419,400,961	$265,866,958	(FY 1993-94)
1st half FY 1991-92 $72,000,000	$447,425,667	$271,986,958	(FY 1993-94)
2nd half FY 1991-92 $72,000,000	$447,425,667	$279,801,677	(FY 1994-95)

1st half FY 1992-93 $72,000,000	$475,132,355	$285,921,677	(FY 1994-95)
2nd half FY 1992-93 $72,000,000	$475,132,355	$292,041,677	(FY 1994-95)

(9) Overall and concluding finding. From the facts, estimates, and assumptions stated in this declaration of findings, the conclusion is reached that the total amount of principal and interest estimated for the general obligation bonds authorized in this Act and for all bonds authorized and unissued and calculated for all bonds issued and outstanding, will not cause the debt limit to be exceeded at the time of issuance.

SECTION 2. The legislature finds the basis for the declaration of findings set forth in this Act are reasonable. The assumptions set forth in this Act with respect to the principal amount of general obligation bonds which will be issued, the amount of principal and interest on reimbursable general obligation bonds which are assumed to be excludable, and the assumed maturity structure shall not be deemed to be binding, it being the understanding of the legislature that such matters must remain subject to substantial flexibility.

SECTION 3. Authorization for issuance of general obligation bonds. General obligation bonds may be issued as provided by law in an amount that may be necessary to finance projects authorized in House Bill No. 2500, H.D. 1, S.D. 1, C.D. 1 (the Supplemental Appropriations Act of 1990)[1], and House Bill No. 2608, H.D. 2, S.D. 2, C.D. 1 (the Judiciary Supplemental Appropriations Act of 1990)[2] passed by this regular session of 1990, and designated to be financed from the general obligation bond fund and from the general obligation bond fund with debt service cost to be paid from special funds; provided that the sum total of the general obligation bonds so issued shall not exceed $284,964,000.

Any law to the contrary notwithstanding, general obligation bonds may be issued from time to time in accordance with section 39-13, Hawaii Revised Statutes, in such principal amount as may be required to refund any general obligation bonds of the State of Hawaii heretofore or hereafter issued pursuant to law.

SECTION 4. The provisions of this Act are declared to be severable and if any portion thereof is held to be invalid for any reason, the validity of the remainder of this Act shall not be affected.

SECTION 5. In printing this Act, the revisor of statutes shall substitute in sections 1 and 3 the corresponding act numbers for bills identified therein.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 27, 1990.)

Notes

1 Act 299, this volume
2 Act 301, this volume

ACT 303 H.B. NO. 2268

A Bill for an Act Relating to a Satellite State Office Pilot Project.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $300,000, or 0.012 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 2. The legislature finds that, in responding to the needs of an increasingly complex society, state government has become a highly complex organization. Citizens seeking help from their government are often overwhelmed by the initial task of identifying the appropriate government service agency to respond to their needs. When citizens are able to locate the appropriate agency, they must then struggle with the problem of parking and congestion in the urban centers where these agencies are usually located. With development moving toward the rural areas of the State, further away from the offices of most state agencies, distance has also become a critical factor in citizen accessibility to government.

The legislature believes that it is incumbent on state government to reach out, geographically as well as structurally, to assist citizens to find the help available through government organizations. The purpose of this Act is to establish satellite state offices, on a pilot basis, in certain suburban or rural communities in the State to improve access to state government services and to reduce traffic congestion and driving distances for citizens.

SECTION 3. (a) There is established within the office of information a satellite state office pilot project. The office of information may establish five satellite state offices for the pilot project, one each in windward Oahu, leeward Oahu, Maui, Kauai, and the Big Island. In the selection of sites for these offices, the office of information may consider the following office sites:

(1) A neighbor island state office building;
(2) An independent satellite state office in a high traffic shopping mall; and
(3) A shared location with a satellite city hall or other county facility.

(b) Each state satellite office shall be staffed by at least one staff person who shall be a community relations specialist and shall contain necessary equipment so as to facilitate services to citizens who frequent the satellite offices, including but not limited to computer links to state departments.

(c) The office of information shall submit a report to the legislature not less than twenty days prior to the convening of the 1992 legislative session which shall include, but not be limited to:

(1) A comparative analysis of the types of satellite offices established in the pilot program in terms of the effectiveness of each in responding to citizen needs;
(2) An assessment of the feasibility of establishing satellite state offices in a shared location with satellite city halls or other county facilities;

(3) Statistical data on the number of citizens who have used the satellite offices and the types of requests for assistance, and
(4) A recommendation as to whether or not satellite offices should be permanently established and, if a permanent program is recommended, the report shall include a proposal for a statewide plan for such a program, including a schedule of implementation and the fiscal requirements for the program

The office of information shall submit an interim report of its findings to the legislature during the 1991 session

SECTION 4 There is appropriated out of the general revenues of the State of Hawaii the sum of $300,000, or so much thereof as may be necessary for fiscal year 1990-1991 to establish a satellite state office pilot project

SECTION 5 The sum appropriated shall be expended by the office of the governor for the purposes of this Act

SECTION 6 This Act shall take effect on July 1, 1990

(Approved June 27 1990)

ACT 304 H B NO 2896

A Bill for an Act Relating to the Office of Hawaiian Affairs

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that Act 273 Session Laws of Hawaii 1980, amended chapter 10 Hawaii Revised Statutes, to authorize the office of Hawaiian affairs to expend twenty per cent of all funds derived from the public land trust, as described in section 10-3, for the betterment of the conditions of native Hawaiians In the Trustees of the Office of Hawaiian Affairs v Yamasaki, 69 Hawaii 154, 737 P 2d 446 (1987), certiorari denied, 108 S Ct 234, 484 U S 898, 98 L Ed 2d 192 (1987) the Hawaii supreme court ruled that section 10-3 did not support the claim of the office of Hawaiian affairs to twenty per cent of a settlement reached by the State in its litigation with Molokai Ranch and that legislative clarification of section 10-13 5, Hawaii Revised Statutes, was necessary to resolve facial statutory inconsistencies and to establish the funding of the office of Hawaiian affairs under chapter 10 because of a lack of judicially discoverable or manageable standards adequate to permit a judicial determination thereof The legislature further finds that as a consequence thereof the office of Hawaiian affairs has been provided only a portion of the funds contemplated upon enactment of section 10-13 5 in 1980 Chapter 10 provides that the beneficiary of the public trust entrusted upon the office of Hawaiian affairs means native Hawaiians and Hawaiians This Act addresses only the native Hawaiian beneficiary Discussions are still occurring regarding the provision of benefits to the Hawaiian beneficiary under the public trust entrusted upon the office of Hawaiian affairs The legislature finds that there is no evidence to support payment of any past due revenues to Hawaiians as beneficiaries under the public land trust entrusted upon the office of Hawaiian affairs

The purposes of this Act are to

(1) Clarify the lands comprising the public land trust under chapter 10, Hawaii Revised Statutes,

(2) Clarify the revenues derived from the public land trust which shall be considered to establish the amount of funding to the office of Hawaiian affairs for the purpose of the betterment of the conditions of native Hawaiians; and

(3) Provide for a process to determine the actual amounts payable to the office under the clarified standards enacted and for the formulation of a plan for payment of that sum consistent with the restrictions and limitations under the existing federal and state laws and regulations, and bond and contractual obligations.

This Act is not intended to replace or affect the claims of native Hawaiians and Hawaiians with regard to reparations from the federal government.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $7,700,000, or 0.30 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. Section 10-2, Hawaii Revised Statutes, is amended to read as follows:

"**[|§10-2|] Definitions.** In this chapter, if not inconsistent with the context:

"Administrator" means the administrator of the office of Hawaiian affairs[;].

"Beneficiary of the public trust entrusted upon the office" means native Hawaiians and Hawaiians[;].

"Board" means the board of trustees[;].

"Hawaiian" means any descendant of the aboriginal peoples inhabiting the Hawaiian Islands which exercised sovereignty and subsisted in the Hawaiian Islands in 1778, and which peoples thereafter have continued to reside in Hawaii[;].

"Native Hawaiian" means any descendant of not less than one-half part of the races inhabiting the Hawaiian Islands previous to 1778, as defined by the Hawaiian Homes Commission Act, 1920, as amended; provided that the term identically refers to the descendants of such blood quantum of such aboriginal peoples which exercised sovereignty and subsisted in the Hawaiian Islands in 1778 and which peoples thereafter continued to reside in Hawaii[;].

"Office" means the office of Hawaiian affairs.

"Public land trust" means those lands:

(1) Which were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July 7, 1898 (30 Stat. 750), or acquired in exchange for lands so ceded, and which were conveyed to the State of Hawaii by virtue of section 5(b) of the Act of March 18, 1959 (73 Stat. 4, the Admission Act), (excluding therefrom lands and all proceeds and income from the sale, lease, or disposition of lands defined as "available lands" by section 203 of the Hawaiian Homes Commission Act, 1920, as amended);

(2) Retained by the United States under sections 5(c) and 5(d) of the Act of March 18, 1959, and later conveyed to the State under section 5(e) of the Act of March 18, 1959; and

(3) Which were ceded to and retained by the United States under section 5(c) and 5(d) of the Act of March 18, 1959 and later conveyed to the State pursuant to the Act of December 23, 1963 (P L 88-233, 77 Stat 472)

"Revenue" means all proceeds, fees, charges, rents, or other income, or any portion thereof, derived from any sale, lease, license, permit, or other similar proprietary disposition, permitted use, or activity, that is situated upon and results from the actual use of lands comprising the public land trust, and including any penalties or levies exacted as a result of a violation of the terms of any proprietary disposition, but excluding any income, proceeds, fees, charges, or other moneys derived through the exercise of sovereign functions and powers including

(1) Taxes,
(2) Regulatory or licensing fees,
(3) Fines, penalties, or levies,
(4) Registration fees,
(5) Moneys received by any public educational institution, including the University of Hawaii, and the community college system, from its educational programs and ancillary services, such as tuition, registration fees, meals, books, grants, or scholarships,
(6) Interagency and intra-agency administrative fees or assessments,
(7) Moneys derived from or provided in support of penal institutions and programs,
(8) Grants, carry-overs, and pass-throughs,
(9) Federal moneys, including federal-aid, grants, subsidies, and contracts,
(10) Moneys collected from the sale or dissemination of government publications, and
(11) Department of defense proceeds on state-improved lands."

SECTION 4 Section 10-3, Hawaii Revised Statutes, is amended to read as follows

"**[[]§10-3[]] Purpose of the office.** The purposes of the office of Hawaiian affairs include

(1) The betterment of conditions of native Hawaiians[A pro rata portion of all' funds derived from the public land trust shall be funded in an amount to be determined by the legislature for this purpose and shall be held and used solely as a public trust for the betterment of the conditions of native Hawaiians For the purpose of this chapter, the public land trust shall be all proceeds and income from the sale lease or other disposition of lands ceded to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July 7, 1898 (30 Stat 750), or acquired in exchange for lands so ceded, and conveyed to the State of Hawaii by virtue of section 5(b) of the Act of March 18, 1959 (73 Stat 4, the Admissions Act), (excluding therefrom lands and all proceeds and income from the sale, lease, or disposition of lands defined as "available lands" by section 203 of the Hawaiian Homes Commission Act 1920, as amended), and all proceeds and income from the sale lease, or other disposition of lands retained by the United States under sections 5(c) and 5(d) of the Act of March 18, 1959, later conveyed to the State under section 5(e)],
(2) The betterment of conditions of Hawaiians,

(3) Serving as the principal public agency in this State responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians; except that the Hawaiian Homes Commission Act, 1920, as amended, shall be administered by the Hawaiian homes commission;
(4) Assessing the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians;
(5) Applying for, receiving, and disbursing, grants and donations from all sources for native Hawaiian and Hawaiian programs and services; and
(6) Serving as a receptacle for reparations."

SECTION 5. Section 10-5, Hawaii Revised Statutes, is amended to read as follows:

"[]§10-5[] **Board of trustees; powers and duties.** The board shall have the power in accordance with law to:
(1) Manage, invest, and administer the proceeds from the sale or other disposition of lands, natural resources, minerals, and income derived from whatever sources for native Hawaiians and Hawaiians, including all [income and proceeds from] moneys received by the office equivalent to that pro rata portion of the [trust] revenue derived from the public land trust referred to in section [10-3, of this chapter;] 10-2;
(2) Exercise control over real and personal property set aside to the office by the State of Hawaii, the United States of America, or any private sources, and transferred to the office for native Hawaiians and Hawaiians;
(3) Collect, receive, deposit, withdraw, and invest money and property on behalf of the office;
(4) Formulate policy relating to the affairs of native Hawaiians and Hawaiians, provided that such policy shall not diminish or limit the benefits of native Hawaiians under Article XII, section 4, of the state Constitution;
(5) Otherwise act as a trustee as provided by law;
(6) Delegate to the administrator, its officers and employees such powers and duties as may be proper for the performance of the powers and duties vested in the board;
(7) Provide grants to public or private agencies for pilot projects, demonstrations, or both, where [such] those projects or demonstrations fulfill criteria established by the board;
(8) Make available technical and financial assistance and advisory services to any agency or private organization for native Hawaiian and Hawaiian programs, and for other functions pertinent to the purposes of the office of Hawaiian affairs. Financial assistance may be rendered through contractual arrangements as may be agreed upon by the board and any such agency or organization; and
(9) Adopt and use a common seal by which all official acts shall be authenticated."

SECTION 6. Section 10-13, Hawaii Revised Statutes, is amended to read as follows:

"**§10-13 Appropriations; accounts; reports.** (a) Moneys appropriated by the legislature for the office shall be payable by the director of finance, upon vouchers approved by the board, or by any officer elected or appointed by the board and authorized by the board to approve [such] the vouchers on behalf of the board. All moneys received by or on behalf of the board shall be deposited with the director of finance and kept separate from moneys in the state treasury, except that any moneys received from the federal government or from private contributions shall be deposited and accounted for in accordance with conditions established by the agencies or persons from whom the moneys are received, and except that with the concurrence of the director of finance, moneys received from the federal government for research, training, and other related purposes of a transitory nature, and moneys in trust or revolving funds administered by the office, shall be deposited in depositories other than the state treasury and shall be reported on to the state comptroller under section 40-81, and rules prescribed thereunder

(b) Income derived from the sale of goods or services and [income from lands and property as described in section 10-3,] all moneys received by the office equivalent to that pro rata portion of the revenue derived from the public land trust described in section 10-2, shall be credited to special or other funds; provided that upon the recommendation of the office, the comptroller shall establish such other separate accounts or special funds for other designated revenues as may be directed by the board or its authorized representative."

SECTION 7. Section 10-13.5, Hawaii Revised Statutes, is amended to read as follows:

"**[|§10-13.5 Use of public land trust proceeds.|]** Twenty per cent of all [funds] revenue derived from the public land trust[, described in section 10-3,] shall be expended by the office[, as defined in section 10-2,] for the [purposes of this chapter.] betterment of the conditions of native Hawaiians."

SECTION 8. The department of budget and finance and the office of Hawaiian affairs shall determine the actual amount equivalent to twenty per cent of the revenue under sections 10-2 and 10-13.5 which is payable to the office, less any moneys appropriated and received under section 10 of this Act, or received by the office from the department of land and natural resources, or any other agency, pursuant to sections 10-2 and 10-13.5 during the period of June 16, 1980 through June 30, 1991. Interest on such actual amount, at the rate of six per cent a year, compounded annually, from June 16, 1980 to June 17, 1982, and at the rate of ten per cent a year, compounded annually, from June 18, 1982, shall be added to such actual amount until paid.

Upon request of the office of Hawaiian affairs, all data relating to lands which comprise the public land trust and to the revenue derived therefrom, including the methodology for determining this revenue and the office of Hawaiian affairs' pro rata portion thereof, shall be subject to review by the office and an independent auditor selected by the office. The department of budget and finance shall respond to and, if appropriate, take action to resolve any concerns raised by the independent auditor.

The department of budget and finance shall submit to the legislature, not later than twenty days before the convening of the regular session of 1991, a proposed plan for the payment of such actual amount, including interest and for funding pursuant to sections 10-2 and 10-13.5, after June 30, 1991, and shall submit for introduction appropriate legislation to implement the plan.

The plan and implementing legislation submitted by the department of budget and finance shall reflect the conveyance of any public land to the office by the department of land and natural resources proposed, in partial or full satisfaction of the actual amounts due the office, pursuant to section 9 of this Act.

SECTION 9. The department of land and natural resources, the office of state planning, and the office of Hawaiian affairs shall identify parcels of public land which may be conveyed to the office of Hawaiian affairs, in trust for the betterment of conditions of native Hawaiians, in full or partial satisfaction of the actual amounts determined by the department of budget and finance and the office of Hawaiian affairs to be payable to the office, including interest through June 30, 1991, pursuant to section 8 of this Act.

SECTION 10. The office of state planning, in cooperation with affected agencies, shall: (1) review existing policies, practices, and procedures for the utilization and disposition of lands which comprise the public land trust and for the determination of the consideration for these utilizations or dispositions; (2) evaluate the effect of existing policies, practices, and procedures on the revenue otherwise due to the office of Hawaiian affairs under chapter 10, Hawaii Revised Statutes; and (3) develop and assist in the implementation of appropriately revised policies, practices, and procedures and to ensure that the office of Hawaiian affairs receives its revenue entitlement promptly. The office of state planning shall prepare and submit a report on its findings and recommendations, including recommendations for appropriate legislation, to the legislature not later than twenty days before the convening of the regular session of 1991.

SECTION 11. There is appropriated out of the general revenues of the State of Hawaii the sum of $7,200,000, or so much thereof as may be necessary for fiscal year 1990-1991, to provide funds pursuant to sections 10-2 and 10-13.5. This appropriation shall be in addition to those moneys paid to the office by the department of land and natural resources pursuant to sections 10-2 and 10-13.5. The sum appropriated shall be expended by the office of Hawaiian affairs for the betterment of the conditions of native Hawaiians. The director of finance is authorized to deduct, from those special funds which derive revenue from lands identified in section 10-2, amounts which shall be transferred to the general fund of the State and become general realizations of the State for the purpose of reimbursing the general fund appropriation made for the fiscal year 1990-91. These transfers shall be made; provided that the director of finance determines that the expenditure of moneys from any such special fund is not contrary to any federal or state laws, or regulations, and is not contrary to any bond covenants, contractual commitments, grant agreements, or other limitations.

SECTION 12. There is appropriated out of the general revenues of the State of Hawaii the sum of $500,000, or so much thereof as may be necessary for fiscal year 1990-1991, to obtain land surveys, conduct public informational meetings, pay for transportation costs, and to otherwise carry out the purposes of this Act. The sum appropriated shall be expended by the office of state planning.

SECTION 13. Should the expenses for surveys and appraisals required under this Act exceed the general fund appropriation made under this section, the director of finance, with the approval of the governor, is authorized to utilize

savings as determined to be available from programs within the office of state planning

SECTION 14 The office of Hawaiian affairs shall submit an annual report to the governor and the legislature not less than thirty days before the convening of each regular session The report shall describe the use of the public land trust proceeds for the betterment of the conditions of the native Hawaiians and provide detailed information, including, but not limited to, the following

(1) Statements of statewide objectives and program objectives,
(2) Program plans that describe the programs that implement the statewide objectives and program objectives,
(3) Program performance reports that assess the effectiveness in attaining the objectives,
(4) Program costs, and
(5) Long-range financial plans

SECTION 15 Nothing contained in this Act shall impair or be deemed to impair the rights and privileges of the holders of indebtedness outstanding as of the effective date of this Act and payable from moneys in any special fund, including the airport revenue fund, harbor special fund, or the second separate harbor special fund If and to the extent the application of moneys in any special fund, as heretofore provided by any certificate securing any revenue bonds, including airport and harbor revenue bonds, is construed to be inconsistent with the provisions of this Act, such moneys shall continue to be applied in accordance with such certificate so long as any airport revenue bonds, including airport and harbor revenue bonds, secured thereby remain outstanding

SECTION 16 The provisions of this Act shall be enforced to the extent they are not held to conflict with any federal or state law, rules, or regulations The provisions of this Act are not severable and if any provision of the Act, or the application thereof to any person or circumstance is held to conflict with any federal or state law, rules, or regulations, this Act, in its entirety, shall be invalid and sections 10-2, 10-3, 10-5, 10-13 and 10-13 5, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day before the approval of this Act

SECTION 17 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 18 This Act shall take effect upon its approval; provided that the provisions of sections 3, 4, 5, 6, and 7 of this Act shall be applied retroactively to June 16, 1980, and that sections 11 and 12 shall take effect on July 1, 1990

(Approved July 3, 1990)

Note

1 So in original

ACT 305 S.B. NO. 2699

A Bill for an Act Relating to the Hawaiian Homes Commission Act, 1920, as Amended.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 208, Hawaiian Homes Commission Act, 1920, as amended, is amended to read as follows:

"**§208. Conditions of leases.** Each lease made under the authority granted the department by section 207 of this Act, and the tract in respect to which the lease is made, shall be deemed subject to the following conditions, whether or not stipulated in the lease:

(1) The original lessee shall be a native Hawaiian, not less than eighteen years of age. In case two lessees either original or in succession marry, they shall choose the lease to be retained, and the remaining lease shall be transferred, quitclaimed, or canceled in accordance with the provisions of succeeding sections.

(2) The lessee shall pay a rental of $1 a year for the tract and the lease shall be for a term of ninety-nine years[.]; except that the department may extend the term of any lease provided that the approval of any extension shall be subject to the condition that the aggregate of the initial ninety-nine year term and any extension granted shall not be for more than one hundred ninety-nine years.

(3) The lessee may be required to occupy and commence to use or cultivate the tract as the person's home or farm or occupy and commence to use the tract for aquaculture purposes, as the case may be, within one year after the [lease is made.] commencement of the term of the lease.

(4) The lessee shall thereafter, for at least such part of each year as the department shall prescribe by rules, so occupy and use or cultivate the tract on the person's own behalf.

(5) The lessee shall not in any manner transfer to, or otherwise hold for the benefit of, any other person or group of persons or organizations of any kind, except a native Hawaiian or Hawaiians, and then only upon the approval of the department, or agree so to transfer, or otherwise hold, the person's interest in the tract. Such interest shall not, except in pursuance of such a transfer to or holding for or agreement with a native Hawaiian or Hawaiians approved of by the department, or for any indebtedness due the department or for taxes, or for any other indebtedness the payment of which has been assured by the department, including loans from other agencies where such loans have been approved by the department, be subject to attachment, levy, or sale upon court process. The lessee shall not sublet the person's interest in the tract or improvements thereon.

(6) Notwithstanding the provisions of paragraph (5), the lessee, with the consent and approval of the commission, may mortgage or pledge the lessee's interest in the tract or improvements thereon to a recognized lending institution authorized to do business as a lending institution in either the State or elsewhere in the United States; provided the loan secured by a mortgage on the lessee's leasehold interest is insured or guaranteed by the Federal Housing Administration, Veterans Administration, or any other federal agency and

their respective successors and assigns which are authorized to insure or guarantee such loans The mortgagee's interest in any such mortgage shall be freely assignable Such mortgages, to be effective, must be consented to and approved by the commission and recorded with the department

Further, notwithstanding the authorized purposes of loan limitations imposed under section 214 of this Act and the authorized loan amount limitations imposed under section 215 of this Act, loans made by lending institutions as provided in this paragraph, insured or guaranteed by the Federal Housing Administration, Veterans Administration, or any other federal agency and their respective successors and assigns, may be for such purposes and in such amounts, not to exceed the maximum insurable limits, together with such assistance payments and other fees, as established under section 421 of the Housing and Urban Rural Recovery Act of 1983 which amended Title II of the National Housing Act of 1934 by adding section 247, and its implementing regulations, to permit the Secretary of Housing and Urban Development to insure loans secured by a mortgage executed by the homestead lessee covering a homestead lease issued under section 207(a) of this Act and upon which there is located a one to four family single family residence

(7) The lessee shall pay all taxes assessed upon the tract and improvements thereon The department may pay such taxes and have a lien therefor as provided by section 216 of this Act

(8) The lessee shall perform such other conditions, not in conflict with any provision of this Act, as the department may stipulate in the lease, provided that an original lessee shall be exempt from all taxes for the first seven years [from date of lease] <u>after commencement of the term of the lease</u> '

SECTION 2 The provisions of the amendments made by this Act to the Hawaiian Homes Commission Act, 1920, as amended, are declared to be severable and, if any section sentence, clause, or phrase or the application thereof to any person or circumstances is held ineffective because there is a requirement of having the consent of the United States to take effect, then that portion only shall take effect upon the granting of consent by the United States and the effectiveness of the remainder of these amendments or the application thereof shall not be affected

SECTION 3 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 4 This Act shall take effect upon its approval

(Approved July 3 1990)

ACT 306 H B NO 3296

A Bill for an Act Relating to Burials

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Findings and purpose The legislature finds that the full recognition and protection of the unique cultural values of the multi-ethnic peoples of Hawai'i are directly affected by historic preservation decisions Of

particular sensitivity to each group is the impact and response of governmental decisions on the cultural values related to the treatment and protection of burials.

The legislature further finds that native Hawaiian traditional prehistoric and unmarked burials are especially vulnerable and often not afforded the protection of law which assures dignity and freedom from unnecessary disturbance.

All human skeletal remains and burial sites within the State are entitled to equal protection under the law regardless of race, religion, or cultural origin. The public has a vital interest in the proper disposition of the bodies of its deceased persons, which is in the nature of a sacred trust for the benefit of all, and therefore the legislature reaffirms the common law rule that a land owner knowingly in possession of human skeletal remains cannot own the remains but merely holds the same in trust for cultural descendants, who have the right to possession for purposes of proper cultural preservation or reinterment.

The purpose of this Act is to augment current procedures relating to the proper care and protection of burial sites found in the State. In order to avoid future disputes arising from the discovery of human skeletal remains, this Act provides additional protection for native Hawaiian burial sites of high preservation value such as areas with a concentration of skeletal remains, or prehistoric or historic burials associated with important individuals or events, that are within a context of historic properties, or have known lineal descendants.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling in fiscal year 1990-1991 to be exceeded by $100,000, or 0.0039 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. Chapter 6E, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"**§6E- Island burial councils; creation; appointment; composition; duties.** (a) The department shall establish island burial councils for Hawaii, Maui/Lanai, Molokai, Oahu, and Kauai/Niihau, to implement section 6E-43.

(b) Appointment of members to the councils shall be made by the governor, in accordance with section 26-34, from a list provided by the department, provided that a minimum of twenty per cent of the regional representatives shall be appointed from a list of at least nine candidates provided by the office of Hawaiian affairs. The department shall develop the list in consultation with appropriate Hawaiian organizations, such as Hui Malama I Na Kupuna O Hawai'i Nei. The membership of each council shall include at least one representative from each geographic region of the island as well as representatives of development and large property owner interests. Regional representatives shall be selected from the Hawaiian community on the basis of their understanding of the culture, history, burial beliefs, customs, and practices of native Hawaiians. The councils shall have a minimum of nine and a maximum of fifteen members, and have a ratio of not more than three to one and no less than two to one in favor of regional representatives.

(c) The department, in consultation with the councils, office of Hawaiian affairs, representatives of development and large property owner interests, and

appropriate Hawaiian organizations, such as Hui Malama I Na Kupuna O Hawai'i Nei, shall adopt rules pursuant to chapter 91 necessary to carry out the purposes of this section The council members shall serve without compensation, but shall be reimbursed for necessary expenses incurred during the performance of their duties The councils shall be a part of the department for administrative purposes

(d) The councils shall hold meetings and acquire information as they deem necessary and shall communicate their findings and recommendations to the department Notwithstanding section 92-3, whenever the location and description of burial sites are under consideration, the councils may hold closed meetings Concurrence of a majority of the members present at a meeting shall be necessary to make any action of a council valid

(e) Department records relating to the location and description of historic sites, including burial sites, if deemed sensitive by a council or the Hawaii historic places review board, are exempted from the requirements of section 92F-12.

(f) The councils shall

(1) Determine the preservation or relocation of previously identified native Hawaiian burial sites,

(2) Assist the department in the inventory and identification of native Hawaiian burial sites,

(3) Make recommendations regarding appropriate management, treatment, and protection of native Hawaiian burial sites, and on any other matters relating to native Hawaiian burial sites,

(4) Elect a chairperson for a four-year term who shall serve for not more than two consecutive terms, and

(5) Maintain a list of appropriate Hawaiian organizations, agencies, and offices to notify regarding the discovery of remains

§6E- Inadvertent discovery of burial sites. (a) In the event human skeletal remains are inadvertently discovered, any activity in the immediate area that could damage the remains or the potential historic site shall cease until the requirements of subsections (b) to (d) have been met

(b) The discovery shall be reported as soon as possible to the department, the appropriate medical examiner or coroner, and the appropriate police department As soon as practicable, the department shall notify the appropriate council and the office of Hawaiian affairs

(c) After notification of the discovery of multiple skeletons, the following shall be done within two working days, if on Oahu, and three working days, if in other council jurisdictions

(1) A representative of the medical examiner or coroner's office and a qualified archaeologist shall examine the remains to determine jurisdiction If the remains are the responsibility of the medical examiner or coroner, the department's involvement shall end If the remains are historic or prehistoric burials, then the remainder of this section shall apply,

(2) The department shall gather sufficient information, including oral tradition, to document the nature of the burial context and determine appropriate treatment of the remains Members of the appropriate council shall be allowed to oversee the on-site examination and, if warranted, removal, and

(3) If removal of the remains is warranted, based on criteria developed by the department, in consultation with the councils, office of Hawaiian affairs, representatives of development and large property owner interests, and appropriate Hawaiian organizations, such

as Hui Malama I Na Kupuna O Hawai'i Nei, through rules adopted pursuant to chapter 91, the removal of the remains shall be overseen by a qualified archaeologist and a mitigation plan shall be prepared by the department or with the concurrence of the department.

(d) In cases involving the discovery of a single skeleton, the requirements of subsection (c) shall be fulfilled in one working day if on Oahu, and two working days if in other council jurisdictions.

(e) The mitigation plan developed by or with the concurrence of the department pursuant to subsection (c)(3) shall be carried out in accordance with the following:

(1) In discoveries related to development where land alteration project activities exist, the landowner, permittee, or developer shall be responsible for the execution of the mitigation plan including relocation of remains. Justifiable delays resulting from the discovery of burials shall not count against any contractor's completion date agreement;

(2) Project activities shall resume once necessary archaeological excavations provided in the mitigation plan have been completed;

(3) In nonproject contexts, the department shall be responsible for the execution of the mitigation plan and the relocation of remains; and

(4) The department shall verify the successful execution of the mitigation plan.

(f) In cases where remains are archaeologically removed, the department shall determine the place of relocation, after consultation with the appropriate council, affected property owners, representatives of the relevant ethnic group, and any identified lineal descendants, as appropriate. Relocation shall conform with requirements imposed by the department of health, and may be accompanied by traditional ceremonies, as determined by the lineal descendants, or, if no lineal descendants are identified, the appropriate council or representatives of the relevant ethnic group that the department deems appropriate. Specific or special reinterment requests from lineal or cultural descendants may be accommodated provided that the additional expenses incurred are paid by the affected descendants."

SECTION 4. Section 6E-2, Hawaii Revised Statutes, is amended:

1. By adding three new definitions to read as follows:

" "Burial good" means any item reasonably believed to have been intentionally placed with the human skeletal remains of an individual or individuals at the time of burial.

"Burial site" means any specific unmarked location where prehistoric or historic human skeletal remains and their associated burial goods are interred, and its surrounding context, deemed a unique class of historic property and not otherwise included in section 6E-41.

"Human skeletal remains" means the body or any part of the body of a deceased human being."

2. By amending the definition of "historic preservation" to read as follows:

" "Historic preservation" means the research, protection, restoration, rehabilitation, and interpretation of buildings, structures, objects, districts,

areas, and sites, including underwater sites[,] and burial sites, significant to the history, architecture, archaeology, or culture of this State, its communities, or the nation

3 By amending the definition of "historic property" to read as follows

"'Historic property' means any building, structure, object, district, area, or site, including heiau and underwater site, [that is significant in the history, architecture, archaeology, or culture of this State, its communities or the nation] which is over fifty years old'

SECTION 5 Chapter 6E-3, Hawaii Revised Statutes, is amended to read as follows

"**§6E-3 Historic preservation program.** There is established within the department a division to administer a comprehensive historic preservation program which shall include, but not be limited to the following

(1) Development of an on-going program of historical, architectural, and archaeological research and development, including surveys, excavations, scientific recording, interpretation, and publications on the State's historical and cultural resources,

(2) Acquisition of historic or cultural properties, real or personal, in fee or in any lesser interest, by gift, purchase, condemnation, devise, [or] bequest[,], land exchange, or other means, preservation, restoration, administration, or transference of [such] the property, and the charging of reasonable admissions to [such] that property,

(3) Development of a statewide survey to identify and document historic properties[,] and burial sites, including all those owned by the State and its political subdivisions,

(4) Preparation of information for the Hawaii register of historic places and for listing on the national register of historic places,

(5) Preparation review, and revisions of a state historic preservation plan, including budget requirements and land use recommendations,

(6) Application for and receipt of gifts, grants, technical assistance, and other funding from public and private sources for the purposes of this chapter,

(7) Provision of technical and financial assistance to the political subdivisions of the State and public and private agencies involved in historic preservation activities,

(8) Coordination of activities of the political subdivisions of the State in accordance with the state plan for historic preservation,

(9) Stimulation of public interest in historic preservation, including the development and implementation of interpretive programs for historic properties listed on the Hawaii register of historic places,

(10) Coordination of the evaluation and management of burial sites as provided in section 6E-43,

(11) Acquisition of burial sites in fee or in any lesser interest, by gift, purchase, condemnation, devise, bequest, land exchange or other means, to be held in trust,

[(11)] (12) Submittal of an annual report to the governor and the legislature detailing the accomplishments of the year and [the] recommen-

dations for changes in the state plan or future programs relating to historic preservation;

[(12)] (13) Regulation of archaeological activities throughout the State;

[(13)] (14) Employment of sufficient professional and technical staff for the purposes of this chapter without regard to chapters 76 and 77; and

[(14)] (15) Adoption of rules in accordance with chapter 91, necessary to carry out the purposes of this chapter."

SECTION 6. Section 6E-7, Hawaii Revised Statutes, is amended to read as follows:

"**§6E-7 State title to historic property.** (a) All historic property located on lands or under waters owned or controlled by the State shall be the property of the State. The control and management of the historic property shall be vested in the department.

(b) The department may dispose of the historic property subject to chapter 171 and subject further to those reservations, restrictions, covenants[1], or conditions which relate to the preservation of the historic property, such as rights of access, public visitation, operation, maintenance, restoration, and repair. The department shall determine the conditions for any research affecting the historic property and may issue permits for the research.

(c) The State shall hold known burial sites located on lands or under waters owned or controlled by the State in trust for preservation or proper disposition by the lineal or cultural descendants.

[(c)] (d) The State shall not transfer any historic property under its jurisdiction without the concurrence of the department[.], and shall not transfer any burial site under its jurisdiction without consulting the appropriate island burial council."

SECTION 7. Section 6E-8, Hawaii Revised Statutes, is amended to read as follows:

"**[|]§6E-8[|] Review of effect of proposed state projects.** (a) Before any agency or officer of the State or its political subdivisions commences any project which may affect historic property[,] or a burial site, the agency or officer shall advise the department and allow the department an opportunity for review of the effect of the proposed project on historic properties[,] or burial sites, consistent with section 6E-43, especially those listed on the Hawaii register of historic places. The proposed project shall not be commenced[;], or, in the event it has already begun, continued, until the department shall have given its written concurrence.

If the concurrence of the department is not obtained within ninety days after the filing of a request with the department, the agency or officer seeking to proceed with [such] the project may apply to the governor who may request the Hawaii advisory council on historic preservation to report or who may take such action as the governor deems best in overruling or sustaining the department.

(b) The department of Hawaiian home lands, prior to any proposed project relating to lands under its jurisdiction, shall consult with the department regarding the effect of [any proposed] the project upon historic property[.] or a burial site.

(c) The State, its political subdivisions, agencies, and officers shall report to the department the finding of any historic property during any project and

shall cooperate with the department in the investigation, recording, preservation, and salvage of [such] the property."

SECTION 8. Section 6E-11, Hawaii Revised Statutes, is amended to read as follows:

"**[[]§6E-11[]] Penalties.** (a) It shall be unlawful for any person, natural or corporate, to take, appropriate, excavate, injure, destroy, or alter any historic property located upon the private lands of any owner thereof without the owner's written permission being first obtained. It shall be unlawful for any person, natural or corporate, to take, appropriate, excavate, injure, destroy, or alter any historic property located upon lands owned or controlled by the State or any of its political subdivisions,[~] except as permitted by the department.

(b) It shall be unlawful for any person, natural or corporate, to knowingly take, appropriate, excavate, injure, destroy, or alter any burial site or the contents thereof, located on private lands or lands owned or controlled by the State or any of its political subdivisions, except as permitted by the department.

(c) Any person who violates this section shall be fined not more than [$1,000,] $10,000 for each separate offense. If the violator directly or indirectly has caused the loss of, or damage to, historic property[,] or burial site, the violator shall be fined an additional amount determined by the court to be equivalent to the value of the lost or damaged historic property[ ] or burial site. Each day of continued violation of this provision shall constitute a distinct and separate offense for which the offender may be punished. Equipment used by a violator for the taking, appropriation, excavation, injury, destruction, or alteration of historic property[,] or a burial site, or for the transportation of the violator to or from the historic property[,] or a burial site, shall be subject to seizure and disposition by the State without compensation to its owner or owners.

(d) Any person, natural or corporate, who knowingly violates this section with respect to burial sites shall also be prohibited from participating in the construction of any state or county funded project for ten years."

SECTION 9. Section 6E-12, Hawaii Revised Statutes, is amended to read as follows:

"**[[]§6E-12[]] Reproductions, forgeries, and illegal sales.** (a) It shall be unlawful to reproduce, retouch, rework, or forge any historic object and to represent it or offer it for trade or sale as an original and genuine object. It shall be unlawful for any person to offer for sale or exchange any historic object with the knowledge that it has been collected or excavated in violation of any of the terms of this chapter.

(b) It shall be unlawful for any person to:

(1) Offer for sale or exchange any exhumed prehistoric or historic human skeletal remains or associated burial goods, or

(2) Remove those goods or remains, except those remains fabricated into artifacts prehistorically, from the jurisdiction of the State without obtaining a permit from the department.

(c) Any person violating this section shall be fined no more than [$1,000] $10,000. Each object or part of a prehistoric or historic human skeleton or associated burial good offered for sale or trade or removed from the jurisdiction in violation of this section shall constitute a distinct and separate offense for which the offender may be punished."

SECTION 10. Section 6E-13, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Any person may maintain an action in the trial court having jurisdiction where the alleged violation occurred or is likely to occur for restraining orders or injunctive relief against the State, its political subdivisions, or any person upon a showing of irreparable injury, for the protection of [a] an historic property or a burial site and the public trust therein from unauthorized or improper demolition, alteration, or transfer of [such] the property[.] or burial site."

SECTION 11. Section 6E-15, Hawaii Revised Statutes, is amended to read as follows:

"**[]§6E-15[] Regulations, special conditions or restrictions.** In addition to any power or authority of a political subdivision to regulate by planning or zoning laws and regulations or by local laws and regulations, the governing body of any political subdivision may provide by regulations, special conditions, or restrictions for the protection, enhancement, preservation, and use of historic properties[.] or burial sites. [Such] These regulations, special conditions, and restrictions may include appropriate and reasonable control of the use or appearance of adjacent or associated private property within the public view, or both, historic easements, preventing deterioration by wilful neglect, permitting the modification of local health and building code provisions, and transferring development rights."

SECTION 12. Section 6E-42, Hawaii Revised Statutes, is amended to read as follows:

"**[]§6E-42[] Review of proposed projects.** Before any agency or officer of the State[,] or its political subdivisions[,] approves any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use, which may affect historic property[,] or a burial site, the agency or office shall advise the department and prior to any approval allow the department an opportunity for review and comment on the effect of the proposed project on historic properties[,] or burial sites, consistent with section 6E-43, including those listed in the Hawaii register of historic places."

SECTION 13. Section 6E-43, Hawaii Revised Statutes, is amended to read as follows:

"**[]§6E-43[] Prehistoric and historic burial sites.** (a) At any site, other than a known, maintained, actively used cemetery where human skeletal remains are discovered[,] or are known to be buried and appear to be over fifty years old, the remains and their associated burial goods shall not be moved without the department's approval[, and any activity in the immediate area which could damage the remains or the potential historic site shall cease until the requirements of subsections (b) to (d) have been met.

(b) The finding shall be reported as soon as possible to the department, the medical examiner or coroner, and the appropriate police department.

(c) After notification of the discovery of multiple skeletons, the following shall be done within two working days, if on Oahu, and three working days, if on other islands:

(1) A representative of the medical examiner or coroner's office and a qualified archaeologist shall examine the remains to determine jurisdiction If the remains are the responsibility of the medical examiner or coroner, the department's involvement will end If the remains are significant historic or prehistoric burials, the remainder of this section shall apply,

(2) The department shall gather sufficient archaeological information to evaluate the significance of the remains,

(3) If the remains are significant, based on criteria established for the Hawaii register of historic places, the department shall prepare a mitigation plan If this plan calls for data recovery, and the removal of the burials is warranted, then archaeological analysis must occur, along with appropriate study of the remains by a qualified physical anthropologist If lineal descendants can be identified by the department, and if they oppose the physical anthropological study, then it shall not occur, and

(4) The department shall notify the office of Hawaiian affairs if it is likely that the remains are those of native Hawaiians.

(d) In cases involving the discovery of a single skeleton, the requirements of subsection (c) shall be fulfilled in one working day if on Oahu, and two working days if on other islands

(e) The mitigation plan developed by the department pursuant to subsection (c)(3) shall be carried out in accordance with the following.

(1) In discoveries related to development where land alteration project activities exist, the landowner, permittee, or developer shall be responsible for the execution of the mitigation plan and the disposition of remains Delays shall not count against any contractor's completion date agreement,

(2) Project activities shall resume once necessary archaeological excavations of the mitigation plan have been completed,

(3) In nonproject contexts, the department shall be responsible for the execution of the mitigation plan and the disposition of remains, and

(4) The department shall verify the successful execution of the mitigation plan

(f) In cases where remains are archaeologically removed, the department shall determine the final disposition, after consultation with representatives of the relevant ethnic group and any identified lineal descendants

(1) Options shall include.

(A) Reburial on the site,

(B) Reburial off the site, or

(C) Curation in a depository

(2) Disposition shall conform with requirements imposed by the department of health

(3) Disposition may be accompanied by traditional ceremonies, as determined by representatives of the relevant ethnic group whom the department deems appropriate.

(4) Special disposition requests from lineal descendants may be accommodated provided that the additional expenses incurred are paid by the affected lineal descendants]

(b) All burial sites are significant and shall be preserved in place until compliance with this section is met, except as provided in section 6E- The appropriate island burial council shall determine whether preservation in place or relocation of previously identified native Hawaiian burial sites is warranted, following criteria which shall include recognition that burial sites of high

preservation value, such as areas with a concentration of skeletal remains, or prehistoric or historic burials associated with important individuals and events, or areas that are within a context of historic properties, or have known lineal descendants, shall receive greater consideration for preservation in place. The criteria shall be developed by the department in consultation with the councils, office of Hawaiian affairs, representatives of development and large property owner interests, and appropriate Hawaiian organizations, such as Hui Malama I Na Kupuna O Hawai'i Nei, through rules adopted pursuant to chapter 91. A council's determination shall be rendered within thirty days of referral by the department.

(c) Council determinations may be administratively appealed to a panel composed of three council chairpersons and three members from the board of land and natural resources as a contested case pursuant to chapter 91. In addition to the six members, the chairperson of the board of land and natural resources shall preside over the contested case and vote only in the event of a tie.

(d) Within ninety days following the final determination, a preservation or mitigation plan shall be approved by the department in consultation with any lineal descendants, the respective council, other appropriate Hawaiian organizations, and any affected property owner.

(e) Should the burial site prove to be other than Hawaiian, the department, within thirty days shall determine whether preservation in place or relocation is warranted, and within an additional ninety days a preservation or mitigation plan shall be approved by the department in consultation with any lineal descendants, appropriate ethnic organizations, and any affected property owner."

SECTION 14. Section 338-25.5, Hawaii Revised Statutes, is amended to read as follows:

"**[]§338-25.5 Disinterment of human bodies.[]** (a) No corpse, nor the remains of any dead human body, exclusive of ashes, shall be exposed, disturbed, or removed from its place of burial, nor shall the receptacle, container, or coffin holding the remains or corpse be opened, removed, or disturbed after due interment, except upon written application made to the director of health for a permit therefor and upon the issuance and according to the terms of a permit granted therefor by the director. After any removal or disturbance the grave shall be filled at once and restored to its former condition.

(b) Notwithstanding the provisions of subsection (a), the department of land and natural resources pursuant to sections 6E-43 and 6E- may authorize exposure, removal, disinterment, or any other act without obtaining a permit from the department of health."

SECTION 15. There is appropriated out of the general revenues of the State of Hawaii the sum of $100,000, or so much thereof as may be necessary for fiscal year 1990-1991, to carry out the purposes of this Act, including the hiring of necessary personnel.

SECTION 16. The sums appropriated shall be expended by the department of land and natural resources for the purposes of this Act.

SECTION 17. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the

invalid provision or application, and to this end the provisions of this Act are severable

SECTION 18 Statutory material to be repealed is bracketed New statutory material is underscored [2]

SECTION 19 This Act shall take effect upon its approval, provided that Section 15 shall take effect upon July 1, 1990

(Approved July 3 1990)

Note

1 So in original
2 Edited pursuant to HRS §23G 16 5

ACT 307 H B NO 2582

A Bill for An Act Relating to the Homeless

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that homelessness is reaching emergency proportions in Hawaii, with estimates of homeless persons ranging from ten thousand to twenty thousand One recent survey of shelters and service providers places the known number of homeless in the range of thirteen thousand The homeless population has also changed from primarily substance abusers and the mentally ill to a high portion of workers with low wages and young single parent families with small children The legislature finds that it is imperative to provide for the emergency shelter needs of those who are homeless in Hawaii in order to ensure that their health and safety needs are met The legislature believes that no child growing up in Hawaii should be without decent shelter and that the effects of homelessness are especially damaging to young children and have long-term costs as they develop The legislature also finds that the volume of homeless persons and families has expanded beyond the ability of private nonprofit assistance agencies to provide the staff and operating funds necessary to maintain the shelter services and social services The State is responsible for the health, safety, and welfare of its citizens and is thereby obligated to provide the programs that assist persons who are homeless

The purpose of this Act is to appropriate funds for shelters and programs that assist the homeless, and to request the governor to appoint members to the homeless committee of the subcabinet task force

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $1,003,159, or 0 039 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 3 The governor is requested to appoint members to the homeless committee of the subcabinet task force so as to better coordinate the

efforts of providers of services by seating both representatives of private agencies and representatives of the homeless population on the committee.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of $72,809, or so much thereof as may be necessary for fiscal year 1990-1991, for the department of human services to retain additional staff to better coordinate programs to assist the homeless by developing and monitoring contracts with private service providers.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of $250,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the department of human services to establish an emergency loan program for the homeless.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of $75,000, or so much thereof as may be necessary for fiscal year 1990-1991, to provide for staffing at the Maui Catholic Charities Homeless Center.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of $375,000, or so much thereof as may be necessary for fiscal year 1990-1991, to establish a program of services to battered women and children who are homeless due to family violence in the leeward area on the island of Oahu. This program would provide intensive outreach services to these identified families on an individual basis as well as through support groups. Crisis counseling, advocacy, information, and referral will all be provided to these families as well as other services that may be required.

SECTION 8. The sums appropriated in sections 4, 5, 6, and 7 of this Act shall be expended by the department of human services for the purposes of this Act.

SECTION 9. There is appropriated out of the general revenues of the State of Hawaii the sum of $230,350, or so much thereof as may be necessary for fiscal year 1990-1991, for the department of health to provide street outreach and first response care for homeless individuals and families in every county.

The sum appropriated shall be expended by the department of health for the purposes of this section.

SECTION 10. This Act shall take effect on July 1, 1990.

(Approved July 3, 1990.)

ACT 308 S.B. NO. 3093

A Bill for an Act Relating to the Homes Revolving Fund.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 201E-207, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Pending authorization and issuance of such obligations, the director of finance, with the approval of the governor, may advance [$120,000,000,] $145,000,000, or so much thereof as is requested by the corporation, to the homes revolving fund from moneys available in the general fund, provided[, however,] that [such] the moneys advanced from the general fund shall be repaid by the corporation or by the State from the proceeds of obligations issued for the purposes of the fund, or from other sources."

SECTION 2. Section 201E-207.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Moneys on deposit in the homes revolving fund shall be applied by the corporation from time to time for the purposes of developing and implementing affordable housing [development] programs. The corporation shall provide the governor with a summary of any program to be developed, setting forth the various aspects of the program, including any projects or loan programs to be a part of the program, the methods of financing projects or loans, the programs, and other information as the corporation deems relevant or as the governor may request. Any affordable housing [development] program may include, without limitation, development of infrastructure, development of off-site and on-site improvements required for development, providing short-term or interim construction loans, [and] development and construction of housing[.], and advancing equity capital for the rental housing system administered by the corporation. The corporation shall adopt rules in accordance with chapter 91 with respect to the administration of any program and may adopt rules applicable to a single program which are different from rules applicable to other programs."

SECTION 3. There is appropriated to the homes revolving fund created under section 201E-207, Hawaii Revised Statutes, from the proceeds of revenue bonds, short-term project notes, or other evidences of indebtedness issued pursuant to chapter 201E and part III of chapter 39, Hawaii Revised Statutes, by the housing finance and development corporation, the sum of $25,000,000. The sum appropriated by this section shall be expended by the corporation in accordance with sections 201E-207 and 201E-207.5, Hawaii Revised Statutes.

SECTION 4. Notwithstanding any law to the contrary, the housing finance and development corporation, with the approval of the governor, may issue revenue bonds, short-term project notes, or other evidences of indebtedness pursuant to chapter 201E and part III of chapter 39, Hawaii Revised Statutes, in an aggregate principal amount sufficient to yield the amount appropriated by section 3 of this Act, at such times and in such amounts as deemed advisable for the purpose of funding the appropriation provided in section 3 of this Act to the homes revolving fund or providing for the repayment of advances made to the homes revolving fund from the general fund pursuant to section 201E-207.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 1990.

(Approved July 3, 1990.)

ACT 309 H.B. NO. 2457

A Bill for an Act Relating to Affordable Housing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 201E-211, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

"**[|§201E-211|] Dwelling unit project, construction and sponsorship of.** (a) The corporation, on behalf of the State or with eligible developers and contractors, shall develop real property and construct dwelling units thereon[.]; provided that, where feasible, not less than ten per cent of the total number of units in single family projects sponsored by the corporation shall be first offered to owner-builders or to non-profit organizations assisting owner-builders in the construction of units thereon. Qualifications for developers and contractors shall be provided by rules to be adopted by the corporation in accordance with chapter 91. Any person, if qualified, may act as both the developer and the contractor."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved July 3, 1990.)

ACT 310 H.B. NO. 2458

A Bill for an Act Relating to a Rental Housing Trust Fund.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the problem of providing adequate, safe, and affordable housing for Hawaii's people continues to plague public policymakers.

While progress is being made in providing for-sale homes, the need for affordable rentals particularly for the very low income groups and special needs groups requires additional support.

The legislature further finds that current support for rentals exists in the form of rental assistance and a limited amount of construction-related tax credits. However, attempts by developers currently have suggested that these sources are still inadequate to allow for development of affordable rental housing.

Based on these and other data, the legislature finds and declares that current economic and social conditions and federal cutbacks have adversely affected the ability of very low income (less than fifty per cent of median family incomes) and lower income (less than eighty per cent of median family incomes) families to obtain safe, decent, and affordable rental housing.

The legislature therefore declares that it is in the public interest to establish a continuously renewable resource known as the rental housing trust fund to assist very-low and lower income families and individuals, including the homeless and special needs groups, in obtaining rental housing.

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $100,000 or by 0 0039 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act

SECTION 3 There is appropriated out of the general revenues of the State of Hawaii the sum of $100,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the housing finance and development corporation to study existing housing trust fund programs in other jurisdictions, and to develop guidelines and necessary proposed legislation for the establishment and operation of a rental housing trust fund in Hawaii

SECTION 4 The study provided by this Act shall identify and investigate all potential sources of revenue for the trust fund, and include recommendations regarding sources which should be utilized The study shall also specify the precise role of the trust fund so as to maximize its effectiveness within the context of existing programs

The study shall be submitted to the legislature not less than twenty days prior to the convening of the 1991 regular session

SECTION 5 The sum appropriated shall be expended by the housing finance and development corporation for the purposes of this Act

SECTION 6 This Act shall take effect on July 1, 1990

(Approved July 3 1990)

ACT 311 H B NO 3111

A Bill for an Act Relating to Cooperative Housing

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that providing low income families homeownership through housing cooperatives combines the security and social benefits of homeownership with the affordability of rental housing Enabling these families to own their units would instill greater self-esteem and a desire to maintain and beautify their surroundings

The purpose of this Act is to establish a two-year pilot project to develop new cooperative housing units for low income families or convert at least one rental project for that purpose with the project to be organized as a limited equity housing cooperative

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $115,000 or 0 0045 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is

necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. (a) There is established a two-year pilot project to undertake feasibility analyses, planning, and development of new cooperative housing units for low income families, or conversion of at least one rental project for that purpose; provided that the project shall be organized as a limited equity housing cooperative; and provided further that, for conversion of an existing rental project, at least two-thirds of the tenants of the rental project agree to the conversion and the rental project is one that is either on the market for sale or about to be placed on the market for sale.

(b) The pilot project shall be administered by the Hawaii housing authority. The Hawaii housing authority shall determine the low income criteria for the purposes of this Act.

(c) The Hawaii housing authority may develop the new cooperative housing units, or convert at least one rental project, or it may contract with a private developer, including a nonprofit housing organization; provided that the Hawaii housing authority, if necessary, shall monitor the private developer to ensure compliance with federal, state, and county laws.

SECTION 4. The Hawaii housing authority shall report on the progress of the pilot project to the legislature not later than twenty days before the convening of the regular sessions of 1991 and 1992.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of $115,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the limited equity cooperative housing pilot project.

SECTION 6. The sum appropriated shall be expended by the Hawaii housing authority for the purposes of this Act.

SECTION 7. This Act shall take effect on July 1, 1990.

(Approved July 3, 1990.)

ACT 312 S.B. NO. 2560

A Bill for an Act Relating to Persons with Physical Disabilities.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 201E, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART
HOUSING ALTERATION REVOLVING LOAN FUND

§201E- Purpose; findings and determinations. The legislature finds that there are approximately one hundred twelve thousand persons of all ages with physical disabilities in the State. Many of them require alterations to their residences in order to accommodate their disabilities and assist them in maintaining independent lifestyles. These alterations include, but are not limited to, such basic alterations as modifications to kitchens, baths, doorways, doors,

cabinets, drawers, windows, and other fixtures These alterations are costly and largely unaffordable for persons with disabilities, many of whom live on a fixed income The legislature further finds that the cost of these essential residential alterations is far less than the cost of the alternative of institutional care

It is the purpose of this part to assist persons with physical disabilities by making available affordable loans for necessary alterations to their residences in order for them to maintain independent lifestyles

§201E- Housing alteration revolving loan fund for persons with physical disabilities. There is created a housing alteration revolving loan fund for persons with physical disabilities, to be administered by the corporation as a separate fund from the other funds under this chapter The fund shall provide low interest loans to eligible persons with physical disabilities or their caregivers to make design alterations for the purposes of this part, provided that the maximum loan shall be $25,000 per residence occupied by one or more eligible persons with physical disabilities Any funds appropriated for the purpose of the housing alteration revolving loan fund for persons with physical disabilities and all moneys received or collected by the corporation for the purpose of the revolving fund shall be used for loans under this part, provided that interest earned on funds appropriated for the housing alteration revolving loan fund may be used by the corporation for administrative purposes

§201E- Program administration. The corporation, in administering the housing alteration revolving loan fund program, shall establish the terms and conditions, maturities, interest rates, collateral, and other requirements for loans The corporation shall have the power to take all necessary actions to collect any delinquent amounts in the event of a default in the payment of any installment of principal or interest on any loans made from the fund and to otherwise secure such loans in a manner which affords reasonable protection of the State's resources The corporation may enter into agreements with or purchase services required for the purposes of this part from any bank as defined in section 403-2

§201E- Rules. The corporation, in consultation with the commission on persons with disabilities, shall adopt rules in accordance with chapter 91 with respect to the administration of this program and the fund, including, but not limited to, rules concerning income eligibility, certification of medical necessity, and degree of physical disability "

SECTION 2 There is appropriated out of the general revenues of the State of Hawaii the sum of $200,000, or so much thereof as may be necessary for fiscal year 1990-1991, to be paid into the housing alteration revolving loan fund for persons with physical disabilities

SECTION 3 The sum appropriated shall be expended by the housing finance and development corporation for the purposes of this Act.

SECTION 4 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $200,000, or 0.0078 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is

necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 5. This Act shall take effect on July 1, 1990.

(Approved July 3, 1990.)

ACT 313 H.B. NO. 2994

A Bill for an Act Relating to Ocean Recreation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that:

(1) The operation of thrill craft and high-speed motorized vessels in the waters of the State poses an unacceptable risk of harm to humans and the environment. The operation of thrill craft and high-speed motorized vessels in some of the State's heavily used recreational waters has resulted in the severe injury and death of recreational swimmers, not to mention a number of "close-calls";

(2) The operation of thrill craft, parasailing vessels, and high-speed motorized vessels during certain times of the year poses an unacceptable risk of harm to endangered sea creatures such as migratory humpback whales and sea turtles; and

(3) The operation of thrill craft and high-speed motorized vessels in the waters of the State poses a visual and aural nuisance to the residents in the communities in which they are operated.

The legislature declares that the waters of the State used extensively by recreational swimmers should be safe from the dangers of thrill craft and high-speed motorized vessels which, by their very nature, are inherently risky vessels.

The legislature declares that the waters of the State should be safe from the dangers of thrill craft, parasailing vessels, and high-speed motorized vessels during the annual migration of humpback whales to Hawaii especially in Maui waters identified as critical habitats for the endangered humpback whale. Humpback whales are very acoustically oriented mammals. Continuous traffic and constant underwater noise created by thrill craft, parasailing vessels, and high-speed motorized vessels in near shore, shallow waters threaten humpback whale population recovery by displacing the whales from their favored habitat and further by disrupting the acoustic environment, creating an energetic cost to the whales in responses to these disturbances, disrupting the species' mating system, and threatening the survival of calves.

In view of the inherently risky nature of thrill craft and high-speed motorized vessels and the documented injuries and deaths that thrill craft and high-speed motorized vessels have inflicted on people, the legislature declares that the unrestrained operation of thrill craft and high-speed motorized vessels in the waters of the State poses an unacceptable risk of harm to humans and the environment.

The Legislature is cognizant that, except as otherwise provided by law, all ocean areas appertaining to any government management shall be and are forever granted to the people, for the free and equal use by all persons. However, the State is mindful that in managing and regulating ocean use, priority should be given to those seeking non-commercial recreational opportunities as opposed

to those seeking commercial recreational opportunities To be a commercial operator is a privilege and not an exclusive right

SECTION 2 Section 267-3, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows.

" "Commercial high speed boating" means the use of an open ocean racing boat to provide high speed rides to passengers who pay compensation for the rides "Commercial high speed boating" does not include.

(1) The use of an open ocean racing boat during an official racing competition; or

(2) The use of an open ocean racing boat while practicing for racing competition, provided that no passenger pays compensation for riding the boat during the practice

"Open ocean racing boat" means a motorized vessel which

(1) Is designed, modified, or restored for the primary purpose of high speed boat racing, and

(2) Has the capacity to carry not more than the operator and five passengers

"Water sledding" means the activity in which an individual is transported or carried over the surface of the water on an apparatus that is more then[1] twelve inches wide and is attached to a towline which is towed by a vessel If the apparatus is round with a hollow center, the width shall be measured as a straight line.

(1) Starting from a point on the outer edge of the apparatus,

(2) Bisecting the hollow center, and

(3) Ending at the farthest point on the opposite outer edge "

SECTION 3 Section 267-4, Hawaii Revised Statutes, is amended to read as follows

"§267-4 Rules. The department shall adopt rules pursuant to chapter 91 to implement the policy and purpose of this chapter, and to classify vessels into appropriate categories and classes

The department shall adopt rules pursuant to chapter 91 with respect to the following

(1) The registration and numbering of vessels,

(2) The operation, use, and equipment of vessels on or in the waters of the State,

(3) The conduct of persons involved in boating accidents and in the reporting of the accidents and other casualties and losses to the department, and

(4) The designation of areas of the waters of the State and time periods during which thrill crafts may be operated, and waters on or above which, and time periods during which, persons may engage in parasailing[ ], commercial high speed boating, and water sledding, provided that in designating the areas, the department shall use the official recommendation of the National Marine Fisheries Service with regard to the protection of protected marine life and habitats in adopting rules to implement this section, except as otherwise provided by law "

SECTION 4. Section 267-16, Hawaii Revised Statutes, is amended to read as follows:

"**§267-16 Operation of thrill craft; parasailing[.]; water sledding; commercial high speed boating.** (a) No person shall operate a thrill craft unless the person is fifteen years of age or older.

(b) The department shall adopt rules to designate areas where, and time periods during which, thrill craft may be operated and parasailing, water sledding, and commercial high speed boating may be engaged in.

(c) From October 1, 1988, no person shall operate a thrill craft in the waters of the State, except:

(1) In areas and during time periods designated by the department; and

(2) Through areas designated by the department to serve as avenues for the ingress and egress of thrill crafts between the areas designated under paragraph (1) and the shore.

(d) From October 1, 1988, no person shall:

(1) Engage in parasailing; or

(2) Operate a motorized vessel towing a person engaged in parasailing;

on or above the waters of the State, except on or above areas and during time periods designated by the department.

[(e) From January 1, 1989 until January 1, 1990, the department shall not issue an original certificate of number under title 19, subtitle 3, chapter 72, Hawaii Administrative Rules, for any thrill craft for commercial use or vessel used for parasailing activity.

The prohibition of this subsection shall not apply to (1) the issuance of a certificate of number for a new thrill craft or vessel used as a direct replacement for thrill craft engaged in commercial use or a vessel engaged in parasailing, or (2) the renewal, by the owner, of a certificate of number issued for a thrill craft used for commercial purposes or a vessel engaged in parasailing activities prior to June 16, 1989.

This subsection shall be repealed and shall have no force or effect after January 1, 1990.

(f)] (e) From October 1, 1990, no person shall:

(1) Engage in water sledding; or

(2) Operate a motorized vessel towing a person engaged in water sledding;

in the waters of the State, except in areas and during time periods designated by the department.

(f) From October 1, 1990, no person shall engage in commercial high speed boating or operate an open ocean racing boat for commercial high speed boating purposes in the waters of the State, except:

(1) In areas and during time periods designated by the department; and

(2) Through areas designated by the department to serve as avenues for the ingress and egress of open ocean racing boats between the areas designated under paragraph (1) and the shore.

(g) During all weekends and state and federal holidays, no commercial operator shall operate a thrill craft, or engage in parasailing, water sledding or commercial high speed boating, or operate a motor vessel towing a person engaged in water sledding or parasailing in Kaneohe Bay and Maunalua Bay on Oahu as provided for in section 267- .

(h) On Sundays, all commercial ocean recreation activities, including those listed in this section, shall be prohibited on Oahu in Kaneohe Bay and Maunalua Bay as provided for in section 267- effective January 1, 1991.

(i) Between December 15 and May 15 of each year, no person shall operate a thrill craft, or engage in parasailing, water sledding or commercial high speed boating, or operate a motor vessel towing a person engaged in water sledding or parasailing on the west and south shore of Maui as provided in section 267-

(j) All commercial use and operator permits issued by the department for commercial thrill craft [and], parasailing, water sledding, and commercial high speed boating activities shall be nontransferable and shall expire upon the dissolution or sale or transfer of any or all interests in the corporation or business entity to which the permits were originally issued "

SECTION 5 Chapter 267, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows.

"**§267- Ocean recreation management areas.** (a) Notwithstanding any other law to the contrary, no commercial operator shall operate a thrill craft, engage in parasailing, water sledding or commercial high speed boating, operate a motorized vessel towing a person engaged in parasailing, or operate a motor vessel towing a person engaged in water sledding during all weekends and state and federal holidays on Oahu

(1) In Kaneohe Bay from Mokapu Point to Makahonu Point which includes commercial zones a, b, c, d, e, f, g, i, and j, and

(2) In Maunalua Bay from Kawaihoa (Portlock) Point to Wailupe Peninsula and commercial zones a, b, and c.

(b) Notwithstanding any other law to the contrary, all commercial ocean recreation activities shall be prohibited on all Sundays on Oahu in Kaneohe Bay and Maunalua Bay as defined in section 267- (a)(1) and (2) effective January 1, 1991.

(c) Notwithstanding any other law to the contrary, no person shall operate a thrill craft, engage in parasailing, operate a motorized vessel towing a person engaged in parasailing, engage in commercial water sledding or commercial high speed boating, or operate a commercial motor vessel towing a person engaged in water sledding between December 15 and May 15 of each year in the waters of west and south Maui from Pu'u Ola'i to Hawea Point

(d) The department may adopt rules pursuant to chapter 91 to further implement this section "

SECTION 6 If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 7 Statutory material to be repealed is bracketed. New statutory material is underscored [2]

SECTION 8. Subject to the foregoing effective date, this Act shall take effect upon approval

(Approved July 3, 1990.)

Notes

1 So in original
2 Edited pursuant to HRS §23G-16.5

ACT 314 S.B. NO. 3127

A Bill for an Act Relating to Parks.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The estate, right, title, and interest, and any appurtenance thereto, of the city and county of Honolulu relating to Kawainui Marsh, tax map key no. 4-2-16:1, lot 2-b, less the community park area, shall be vested in the State in fee simple; provided that the city and county of Honolulu and the United States Army Corps of Engineers shall have first completed all pending flood control projects for Kawainui Marsh to the satisfaction of the department of land and natural resources; provided further that at the time of the transfer of Kawainui Marsh to the State, the State shall enter into any required operation or maintenance agreements, or both, with the United States Army Corps of Engineers.

Pending the completion of the transfer of Kawainui Marsh to the State, the State and the city and county of Honolulu shall enter into a management lease, license agreement, or other similar agreement to enable the department of land and natural resources, on behalf of the State, to manage the economic, ecological, and cultural resources of Kawainui Marsh as provided in the 1983 Kawainui Marsh resource management plan. The lease or agreement shall provide for the notification of the city and county of Honolulu of any undertaking relating to the operation and maintenance of Kawainui Marsh and allow the city and county of Honolulu the opportunity for review of the effect of the proposed undertaking.

SECTION 2. This Act shall take effect upon its approval.

(Approved July 3, 1990.)

ACT 315 H.B. NO. 3403

A Bill for an Act Relating to Forest Reserves.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature notes that widespread combustion of fossil fuels and the accelerating destruction of forests worldwide have dramatically altered the composition of earth's atmospheric gases. These changes, according to scientific consensus, will likely change global climatic conditions, eventually leading to dramatic temperature increases, altered rainfall patterns, and a pronounced sea level rise. Such climatic related changes may have profound, and in some cases, devastating impacts on our society. As global warming accelerates, the resulting sea level rise could wreak havoc on our populous coastal zone, drowning many coastal communities, killing protective marshlands and reefs, and submerging entire Pacific island communities. Changes in rainfall and temperature could alter both marine and terrestrial ecosystems, eliminating many local fisheries, and shifting agricultural belts worldwide. It is estimated that these changes will lead to major population redistribution and incalculable economic loss.

The legislature further notes there is an emerging consensus among scientists, environmentalists, government officials, and foresters that widespread

planting of trees, along with conservation of existing forests, is one of the surest, easiest, and least expensive ways to begin to halt and even reverse the buildup of carbon dioxide in the air Much of Hawaii was formerly covered with forest growth, and the State controls vast tracts of land deemed suitable for tree cover In keeping with the worldwide trend toward preservation of existing forests and reforestation of suitable lands, it is in the best long term interest of the State to initiate a tree planting program that would complement similar programs currently under review through the world

The purpose of this Act is to institute a tree replanting program on Oahu, Hawaii, Maui, and Kauai

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $250,000, or 0 0098 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 3 Section 183-1 5, Hawaii Revised Statutes, is amended to read as follows

"**§183-1.5 Duties in general.** The department shall

(1) Gather and compile information and statistics concerning the area, location, character, and increase and decrease of forests in the State,

(2) Gather and compile information as necessary concerning trees, plants, and shrubs recommended for planting in different localities, including the care and propagation of trees and shrubs for protective, productive, and aesthetic purposes and other useful information, which the department deems proper,

(3) Have the power to manage and regulate all lands which may be set apart as forest reserves,

(4) Devise ways and means of protecting, extending, increasing, and utilizing the forests and forest reserves, more particularly for protecting and developing the springs, streams, and sources of water supply to increase and make that water supply available for use,

(5) Devise and carry into operation, ways and means by which forests and forest reserves can, with due regard to the main objectives of title 12, be made self-supporting in whole or in part,

(6) Devise and carry into operation, ways and means of reforesting suitable state lands,

[(6)] (7) Formulate and from time to time recommend to the governor and legislature such additional legislation as it deems necessary or desirable for better implementing the objectives of title 12,

[(7)] (8) Publish, at the end of each year, a report of the expenditures and proceedings of the department and of the results achieved by the department, together with such other matters as are germane to the subject matter under title 12 and which the department deems proper "

SECTION 4 There is appropriated out of the general revenues of the State of Hawaii the sum of $250,000, or so much thereof as may be necessary for fiscal year 1990-1991, to institute a tree replanting program by expanding

nursery facilities on Oahu, Hawaii, Maui, and Kauai; educating the public about the importance of this program and the care and maintenance of various tree species; and increasing temporary staffing.

SECTION 5. The sum appropriated shall be expended by the department of land and natural resources for the purposes of this Act.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 1990.

(Approved July 3, 1990.)

ACT 316 H.B. NO. 2388

A Bill for an Act Relating to Environmental Protection.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 2 of Act 77, Session Laws of Hawaii 1989, is amended to read as follows:

["SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER
APPLIANCE REPAIR

§ **-1 Definitions.** As used in this chapter, unless the context otherwise requires:

"CFC" means any of the chlorofluorocarbon chemicals CFC-11, CFC-12, CFC-13,[1] CFC-112, CFC-113, CFC-114, CFC-115, and CFC-502.

"Mobile air conditioner" means an air conditioner designed for installation in a motor vehicle.

"Recycled CFCs" means CFCs that have been recovered from refrigerant recovery and recycling equipment, and purified for reuse.

"Refrigerant recovery and recycling equipment" means a device used to recover and to purify CFCs for later reuse.

§ **-2 Prohibited acts.** No person in this State shall:

(1) Perform service on an air conditioner unit, including a mobile air conditioner, utilizing CFCs, without using refrigerant recovery and recycling equipment; or

(2) Wilfully cause or allow CFCs to be released into the air from any source.

§ **-3 Penalties.** Any person violating the provisions of section -2 shall be subject to those penalties provided under the rules adopted by the director of the office of consumer protection pursuant to section 487-5." "]

SECTION 2 Section 3 of Act 77, Session Laws of Hawaii 1989, is amended to read as follows

'SECTION 3 [Chapter 342, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows

"PART . OZONE LAYER PROTECTION

§342- **Definitions.** As used in this part, unless the context otherwise requires

'CFC" means any of the chlorofluorocarbon chemicals CFC-11, CFC-12, CFC-112, CFC-113, CFC-114, CFC-115, and CFC-502

"Mobile air conditioner" means an air conditioner designed for installation in a motor vehicle

§342- **Prohibited acts.** No person in this State shall

(1) Sell or offer for sale CFC refrigerant[1] suitable for use in air conditioners or mobile air conditioners in containers smaller than fifteen pounds net, or

(2) Wilfully cause or allow CFCs to be released into the air from any source

§342- **Rules.** The department shall adopt rules necessary for the purposes of this part "] The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows

"CHAPTER
OZONE LAYER PROTECTION

§ -1 **Definitions.** As used in this chapter, unless the context otherwise requires

"CFC" means any of the chlorofluorocarbon chemicals CFC-11, CFC-12, CFC-13, CFC-112, CFC-113, CFC-114, and CFC-115 The terms "chlorofluorocarbon" and "CFC" do not include any hydrofluorocarbon ("HFC") or hydrochlorofluorocarbon ("HCFC") compounds

"Department" means the department of health

"Mobile air conditioner" means an air conditioner designed for installation in a motor vehicle

§ -2 **Prohibited acts.**

(1) Effective January 1, 1991, no person in this State shall sell or offer for sale any CFC refrigerant suitable for use in air conditioners or mobile air conditioners in containers which are smaller than fifteen pounds net

(2) No person in this State shall wilfully cause or allow CFCs to be released into the air from any source or process regulated by this chapter other than through common use of a product, or in the course of attempting to recover, recycle, or safely dispose of CFCs while exercising due care to prevent unnecessary releases of CFCs into the air to the extent practicable and in compliance with applicable rules

§ **-3 Refrigerators and freezers.** Nothing in this chapter shall apply to refrigerators or freezers.

§ **-4 Rules.** The department shall adopt rules necessary for the purposes of this chapter.

§ **-5 Penalties.** Any person who violates the provisions of this chapter pertaining to ozone layer protection or any rule adopted by the department pursuant to this chapter shall be fined not more than $100 for each separate offense. Each unit of CFC refrigerant sold or offered for sale, and each wilful release of CFCs into the air, shall constitute a separate offense. Any action taken to impose or collect the penalty provided for in this section shall be considered a civil action." "

SECTION 3. Section 4 of Act 77, Session Laws of Hawaii 1989, is amended to read as follows:

"SECTION 4. Section 342-11, Hawaii Revised Statutes, is amended to read as follows:

"§342-11 Penalties. (a) Violation of the vehicular noise control and vehicular smoke emission rules adopted by the department pursuant to this chapter shall constitute a violation as defined in section 701-107 and shall be enforceable by police officers. The fine for this violation shall be not less than $25 nor more than $2,500 for each separate offense. Each day of violation shall constitute a separate offense.

(b) Violation of the open burning control rules adopted by the department pursuant to this chapter shall constitute a violation as defined in section 701-107 and shall be enforceable by police officers. The fine for this violation shall not exceed $10,000 for each separate offense. Each day of violation shall constitute a separate offense.

(c) Any person who violates this chapter or any rule, other than vehicular noise control, vehicular smoke emission control, and open burning control rules, shall be fined not more than $10,000 for each separate offense. Each day of violation shall constitute a separate offense. Any action taken to impose or collect the penalty provided for in this subsection, other than the penalty imposed for violations of vehicular noise control, vehicular smoke emission, and open burning rules, shall be considered a civil action.

(d) Any person who knowingly:

(1) Transports any hazardous waste to a storage, treatment, or disposal facility which does not have a permit under section 342-94 to treat, store, or dispose of that particular hazardous waste;

(2) Treats, stores, or disposes of hazardous waste without first having a permit under section 342-94; or

(3) Makes a false statement or representation in any application, label, manifest, record, report, permit, or other document filed, maintained, or used, for purposes of compliance with part VIII of this chapter, shall be subject to criminal penalties of not more than $25,000 for each day of violation, or imprisonment, not to exceed one year, or both. If the conviction is for a violation committed after a first conviction, criminal punishment shall be by a fine of not more than $50,000 for each day of violation, or by imprisonment for not more than two years, or both.

(e) Any person who wilfully or negligently violates part VII or part of this chapter or any rule adopted by the department pursuant to part VII or part shall be punished by a fine of not more than $5,000 for each violation or imprisonment for not more than one year, or both If the conviction is for a violation committed after a first conviction, the violator shall be subject to a fine of not more than $10,000 for each violation, or by imprisonment for not more than two years, or both

(f) Any person who denies, obstructs, or hampers the entrance and inspection by any duly authorized officer or employee of the department of any building, place, or vehicle which the officer or employee is authorized to enter and inspect shall be fined not more than $500 Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action

[(g) Any person who violates the provisions of this chapter pertaining to ozone layer protection or any rule adopted by the department pursuant to that part shall be fined not more than $100 for each separate offense. Each unit of CFC refrigerant] sold or offered for sale, and each wilful release of CFCs into the air, shall constitute a separate offense Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action "]"

SECTION 4 Section 5 of Act 77, Session Laws of Hawaii 1989, is amended by amending the definition of "CFC" to read as follows

" "CFC" means any of the chlorofluorocarbon chemicals CFC-11, CFC-12, CFC-13, CFC-112, CFC-113, CFC-114, and CFC-115[, and CFC-502] The term "CFC" does not include any hydrofluorocarbon ("HFC") or hydrochlorofluorocarbon ("HCFC") compounds "

SECTION 5 Section 7 of Act 77, Session Laws of Hawaii 1989, is amended to read as follows

"Section 7 Section 437B-11, Hawaii Revised Statutes, is amended to read as follows

"§437B-11 Prohibited practices. The following acts or omissions related to the repair of motor vehicles shall be grounds for invoking the enforcement procedures of section 437B-12

(1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading,
(2) Causing or allowing a customer to sign any work order which does not state the repairs requested by the customer or the automobile's odometer reading at the time of repair,
(3) Failing or refusing to give to a customer a copy of any document requiring the customer's signature, as soon as the customer signs [such] the document,
(4) Any other conduct which constitutes fraud,
(5) Conduct constituting gross negligence,
(6) Failure to comply with this chapter or [regulations] rules adopted pursuant to it,
(7) Any wilful departure from or disregard of accepted practices or workmanship,

(8) Making false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of a motor vehicle,

(9) Having repair work subcontracted without the knowledge or consent of the customer unless the motor vehicle repair dealer, mechanic, or apprentice demonstrates that the customer could not reasonably have been notified,

(10) Conducting the business of motor vehicle repair in a place other than stated on the registration except that mobile repair facilities may be permitted if the registration so indicates,

(11) Rebuilding or restoring of rebuilt vehicles as defined in section 286-2 in such a manner that it does not conform to the original vehicle manufacturer's established repair procedures or specifications and allowable tolerances for the particular model and year,

(12) Subcontracting, recommending, or referring motor vehicle repair work to, or in any way assisting, a motor vehicle repair dealer or mechanic whose registration or certification is not in full compliance with this chapter, [and]

(13) Failure to directly supervise a motor vehicle mechanic apprentice/trainee or motor vehicle mechanic helper[ ]. and[1]

[(12)] (14) Servicing mobile air conditioners without using refrigerant recovery and recycling equipment[,] that is certified by [Underwriter Laboratories, or otherwise wilfully causing or allowing CFCs to be released into the air from any source] Underwriter Laboratories, Incorporated or was in use by the motor vehicle repair industry prior to December 31, 1989." "

SECTION 6 Section 8 of Act 77, Session Laws of Hawaii 1989, is amended to read as follows

"SECTION 8 Section 437B-12 Hawaii Revised Statutes, is amended to read as follows

"§437B-12 Enforcement. (a) In accordance with the provisions of chapter 91 the board may fine, suspend, revoke or refuse to renew the registration of a motor vehicle repair dealer or mechanic for any violation of this chapter or rules adopted pursuant thereto The board may also order restitution as provided in subsection (c)

(b) Any fine that is imposed shall be based on the following schedule

First offense	$ 75
Second offense	$150
Subsequent offenses	$300 to $1 000

(c) In lieu of or in addition to the fine imposed under this section, the board may require the motor vehicle repair dealer or mechanic to make restitution to the customer Restitution may be imposed in lieu of a fine even though the amount may exceed the fine schedule set forth in subsection (b)

(d) If a motor vehicle repair dealer operates more than one motor vehicle repair facility in this State, the board pursuant to subsection (a) may only revoke suspend or refuse to renew the registration of the specific motor vehicle repair facility which has violated this chapter Such violation, or such action by the board, shall not affect in any manner the right of [such] the motor vehicle repair dealer to operate the dealer's other motor vehicle repair facilities, provided that the board may suspend, revoke, or refuse to renew the registration for all motor vehicle repair facilities operated in this State by a motor vehicle repair dealer

upon a finding that [such] the motor vehicle repair dealer has, or is, engaged in a course of repeated and wilful violations of this chapter, or rules adopted pursuant thereto.

(e) The expiration of a valid registration shall not deprive the board of jurisdiction to proceed with any investigation or disciplinary proceeding against a motor vehicle repair dealer or mechanic or to render a decision suspending, revoking, or refusing to renew a registration.

(f) Each mobile air conditioner serviced without using refrigerant recovery and recycling equipment, and each instance of wilfully causing or allowing CFCs to be released into the air from any source or process regulated under this chapter, other than through common use of a product or in the course of attempting to recover, recycle, or safely dispose of CFCs while exercising due care to prevent unnecessary releases of CFCs into the air to the extent practicable and in compliance with applicable rules, constitutes a separate offense for which fines may be imposed under subsection (b)." "

SECTION 7. Section 9 of Act 77, Session Laws of Hawaii 1989, is amended by amending the definition of "CFC" to read as follows:

" "CFC" means any of the chlorofluorocarbon chemicals CFC-11, CFC-12, CFC-13, CFC-112, CFC-113, CFC-114, and CFC-115[, and CFC-502.] The term "CFC" does not include any hydrofluorocarbon ("HFC") or hydrochlorofluorocarbon ("HCFC") compounds." "

SECTION 8. Section 10 of Act 77, Session Laws of Hawaii 1989, is amended to read as follows:

"SECTION 10. Section 444-4, Hawaii Revised Statutes, is amended to read as follows:

"§444-4 Powers and duties of board. In addition to any other duties and powers granted by this chapter the contractors license board shall:

(1) Grant licenses, including conditional licenses, to contractors pursuant to this chapter and rules;[]

(2) Make, amend, or repeal such rules as it may deem proper fully to effectuate this chapter and carry out the purpose thereof which purpose is the protection of the general public. All such rules shall be approved by the governor and the director of commerce and consumer affairs, and when adopted pursuant to chapter 91, shall have the force and effect of law. The rules may forbid acts or practices deemed by the board to be detrimental to the accomplishment of the purpose of this chapter. The rules may require contractors to make reports to the board containing such items of information as will better enable the board to enforce this chapter and rules, or as will better enable the board from time to time to amend the rules more fully to effectuate the purposes of this chapter. The rules may require contractors to furnish reports to owners containing such matters of information as the board deems necessary to promote the purpose of this chapter. The enumeration of specific matters which may properly be made the subject of rules shall not be construed to limit the board's general power to make all rules necessary fully to effectuate the purpose of this chapter;

(3) Adopt rules pursuant to chapter 91 necessary to implement the provisions of this chapter relating to CFCs, including, but not limited to, procedures for the disposal of air conditioning units utilizing CFCs that include mandatory recovery and recycling of CFCs;
(4) Enforce this chapter and rules adopted pursuant thereto;
(5) Suspend or revoke any license for any cause prescribed by this chapter, or for any violation of the rules, and refuse to grant any license for any cause which would be ground for revocation or suspension of a license;
(6) Publish and distribute pamphlets and circulars containing such information as it deems proper to further the accomplishment of the purpose of this chapter; and
(7) Contract for professional testing services to prepare, administer, and grade such examinations and tests for applicants as may be required for the purposes of this chapter. The board shall determine the scope and length of such examinations and tests, whether they shall be oral, written, or both, and the score that shall be deemed a passing score." "

SECTION 9. Section 11 of Act 77, Session Laws of Hawaii 1989, is amended to read as follows:

"SECTION 11. Section 444-17, Hawaii Revised Statutes, is amended to read as follows:

"§444-17 Revocation, suspension, and renewal of licenses. The contractors license board may revoke any license issued hereunder, or suspend the right of the licensee to use such licenses, or refuse to renew any such license for any of the following causes:
(1) Any dishonest or fraudulent or deceitful act as a contractor which causes a substantial damage to another;
(2) Engaging in any unfair or deceptive act or practice as prohibited by section 480-2;
(3) Abandonment of any construction project or operation without reasonable or legal excuse;
(4) Wilful diversion of funds or property received for prosecution or completion of a specific construction project or operation, or for a specified purpose in the prosecution or completion of any construction project or operation, and the use thereof for any other purpose;
(5) Wilful departure from, or wilful disregard of plans or specifications in any material respect without consent of the owner or the owner's duly authorized representative, which is prejudicial to a person entitled to have the construction project or operation completed in accordance with such plans and specifications;
(6) Wilful violation of any law of the State, or of any political subdivision thereof, relating to building, including any violation of any applicable rule or regulation of the department of health, or of any applicable safety or labor law;
(7) Failure to make and keep records showing all contracts, documents, records, receipts, and disbursements by a licensee of all the licensee's transactions as a contractor for a period of not less than three years after completion of any construction project or operation to which

the records refer or to permit inspection of such records by the board,

(8) When the licensee being a copartnership or a joint venture permits any member or employee of such copartnership or joint venture who does not hold a license to have the direct management of the contracting business thereof

(9) When the licensee being a corporation permits any officer or employee of such corporation who does not hold a license to have the direct management of the contracting business thereof

(10) Misrepresentation of a material fact by an applicant in obtaining a license,

(11) Failure of a licensee to complete in a material respect any construction project or operation for the agreed price if such failure is without legal excuse,

(12) Wilful failure in any material respect to comply with this chapter or the rules and regulations promulgated pursuant thereto,

(13) Wilful failure or refusal to prosecute a project or operation to completion with reasonable diligence,

(14) Wilful failure to pay when due a debt incurred for services or materials rendered or purchased in connection with the licensee's operations as a contractor when the licensee has the ability to pay or when the licensee has received sufficient funds therefor as payment for the particular operation for which the services or materials were rendered or purchased,

(15) The false denial of any debt due or the validity of the claim therefor with intent to secure for the licensee, the licensee's employer, or other person, any discount of such debt or with intent to hinder, delay, or defraud the person to whom such debt is due

(16) Failure to secure or maintain workers' compensation insurance when not authorized to act as a self-insurer under chapter 386

(17) Knowingly entering into a contract with an unlicensed contractor involving work or activity for the performance of which licensing is required under this chapter [1]

(18) Servicing an air conditioning unit utilizing CFCs without using refrigerant recovery and recycling equipment,

(19) Disposing of an air conditioning unit utilizing CFCs without first removing the CFCs with refrigerant recovery and recycling equipment, and

(20) Wilfully causing or allowing CFCs to be released into the air from any source[ ] or process regulated by this chapter, other than through common use of a product, or in the course of attempting to recover, recycle, or safely dispose of CFCs while exercising due care to prevent unnecessary releases of CFCs into the air to the extent practicable and in compliance with applicable rules

No license shall be suspended for longer than two years and no person whose license is revoked shall be eligible to apply for a new license until the expiration of two years " "

SECTION 10 Section 13 of Act 77, Session Laws of Hawaii 1989 is amended to read as follows

"SECTION 13 Section 487-5, Hawaii Revised Statutes, is amended to read as follows

"**§487-5 General functions, powers, and duties.** The director of the office of consumer protection is designated the consumer counsel for the State and shall represent and protect the State, the respective counties, and the general public as consumers. The director of the office of consumer protection shall have the following functions, powers, and duties:

(1) Coordinate the consumer protection activities of all departments, divisions, and branches of state government, and of branches of the county government concerned with consumer protection;

(2) Assist, advise, and cooperate with federal, state, and local agencies and officials to protect and promote the interests of the consumer public;

(3) Conduct investigations, research, studies, and analysis of matters and take appropriate action affecting the interests of consumers;

(4) Study the operation of laws affecting consumers and recommend to the governor and the legislature, new laws and amendments of laws in the consumers' interest;

(5) Adopt rules pursuant to chapter 91 interpreting section 480-2; provided that in adopting rules, due consideration shall be given to the rules, regulations, and decisions of the Federal Trade Commission and the federal courts in interpreting section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)), as from time to time amended;

(6) Investigate reported or suspected violations of laws enacted and rules adopted for the purpose of consumer protection and shall enforce such laws and rules by bringing civil actions or proceedings;

(7) Organize and hold conferences on problems affecting consumers; and undertake activities to encourage business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion, and sale of consumer goods and services;

(8) Provide a central clearinghouse of information by collecting and compiling all consumer complaints and inquiries and making the collections and compilations available to the general public; provided that consumer complaints may not be made available to the general public if the office of consumer protection is conducting an investigation or review of the complaints, or if the complaints are being used in connection with civil actions or proceedings initiated by the office of consumer protection, or if the complaints have been referred to another state agency;

(9) Appear before governmental commissions, departments, and agencies to represent and be heard on behalf of consumers' interest;

(10) Contract with other county, state, or federal governmental agencies, with nonprofit social services societies, or with private nonprofit trade, professional, or business organizations for the performance of any of the functions of the office not involving the enforcement of rules for the purpose of consumer protection under this section, [or the extension of any power or authority under section 487-11,] within the budget limitations for any period not exceeding a budget year, provided that the purposes and policies of this chapter are in no way diluted, abridged, misdirected, or destroyed;

(11) Adopt rules pursuant to chapter 91 necessary to implement the provisions of chapter ; and

(12) Perform such other acts as may be incidental to the exercise of the functions, powers, and duties set forth in this section, including but

not limited to, compensation of witnesses in such amounts and for such purposes as shall be prescribed by rules " "

SECTION 11 If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable

SECTION 12 Statutory material to be repealed is bracketed. New statutory material is underscored

SECTION 13 This Act shall take effect on January 1, 1991

(Approved July 3 1990)

Note

1 So in original

ACT 317 H B NO 2751

A Bill for an Act Relating to Underground Storage Tanks

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds it essential that the State encourage all practical means to control or eliminate pollution hazards posed by leaking petroleum underground storage tanks This Act requires the department of health to perform a study for the purpose of establishing an actuarially sound financial assurance fund to help owners and operators to meet federal financial responsibility requirements which were adopted to ensure adequate funding to pay for the clean up of future releases and associated liability costs

SECTION 2 Chapter 342L, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows

"**§342L- Financial responsibility guarantee fund.** (a) There is established in the state treasury a special fund to be known as the "underground storage tank financial responsibility guarantee fund" The moneys in the fund shall be held separate and apart from all other moneys, funds, and accounts in the state treasury

(b) The director may suspend the collection of fees at any time that the director determines, on both actuarial and environmental grounds, that the fund has a sufficient balance to meet actual and projected claims

(c) Beginning October 1, 1990, but not later than October 26, 1990, every owner or operator who has complied with the notification requirements of section 342L-30 shall pay a maintenance fee of $200 to the director for each petroleum underground storage tank and not later than April 26 and October 26 of each year thereafter, every owner or operator who has complied with the notification requirements of section 342L-30 shall pay a biannual maintenance fee of $100 to the director for each petroleum underground storage tank unless the fee is suspended by the director pursuant to subsection (b)

The director may increase or decrease the amount of the fee pursuant to rules adopted under chapter 91 in order to maintain an adequate level in the fund.

(d) In addition to any other moneys appropriated by the legislature, the fund shall consist of:

(1) Funds from the annual maintenance fees; and

(2) Any interest earned on moneys deposited into the fund.

(e) No later than twenty days prior to the convening of the 1991 regular legislative session, the department shall submit a report to the legislature, with accompanying proposed legislation, to provide for a financial guarantee program. The program shall contain the following features:

(1) An actuarially sound program covering those losses or expenses which cannot be otherwise covered by the certified persons;

(2) A program which will qualify under United States Environmental Protection Agency guidelines; and

(3) A program which will ensure that no state moneys, other than any directly appropriated for such purposes, are at risk.

The department shall present any other insurance or guarantee program that should be considered as alternatives.

(f) The department shall adopt rules pursuant to chapter 91 to establish the conditions and eligibility requirements necessary for persons to acquire and maintain certification under the program. The department shall design a certificate to verify the standing of any individual. The conditions required for the granting of certifications shall include, but not be limited to:

(1) The submittal of release detection data by the applicant to demonstrate that a tank is not leaking; and

(2) The submittal of sufficient soil and groundwater data by the applicant to demonstrate that any existing contamination at the site has been characterized.

(g) The department shall distribute information on interim application requirements and publicize the availability of applications. Interim application requirements shall include, but not be limited to:

(1) General information on the owner or operator, and the identity and description of the petroleum underground storage tank and facility;

(2) The submittal of sufficient soil and groundwater data to demonstrate that any existing contamination at the site has been characterized; and

(3) Release detection data which demonstrate that the petroleum underground storage tank is not leaking.

(h) The department shall review all completed interim applications received prior to October 26, 1990, and issue its determination on the approval or disapproval of all interim applications prior to October 26, 1991, with regard to interim participation in the program.

(i) Only those applicants who have complied with the notification requirements of section 342L-30 and have been granted interim approval for participation in the program shall be deemed certified under the fund.

(j) The department shall coordinate with and enlist the assistance of the department of commerce and consumer affairs on matters relating to finance and insurance.

(k) The department shall adopt rules in accordance with chapter 91 to carry out this section.

(l) The department may use the fund for the payment of administrative expenses including but not limited the hiring of consultants, actuaries, and attorneys on a contractual basis, for the study required under this section."

SECTION 3 New statutory material is underscored [1]

SECTION 4 This Act shall take effect upon its approval

(Approved July 3, 1990)

Note

1 Edited pursuant to HRS §23G-16 5

ACT 318 H B NO. 1023

A Bill for an Act Relating to Environmental Quality

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Chapter 342H, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows.

"PART . PLASTIC CONTAINER CODING

§342H- Definitions. As used in this chapter, unless the context otherwise requires.

"Label" means a molded imprint or raised symbol on or near the bottom of a plastic product

"Plastic" means any material made of polymeric organic compounds and additives that can be shaped by flow

"Plastic bottle" means a plastic container intended for single use that has a neck that is smaller than the body of the container, accepts a screw-type, snap cap, or other closure and has a capacity of sixteen fluid ounces or more, but less than five gallons

"Rigid plastic container" means any formed or molded container, other than a bottle, intended for single use, composed predominantly of plastic resin, and having a relatively inflexible finite shape or form with a capacity of eight ounces or more, but less than five gallons

§342H- Prohibition. On or after January 1, 1992, no person shall manufacture, distribute, sell, or expose for sale in this State any plastic bottle or rigid plastic container unless the product has a label indicating the plastic resin used to produce the plastic bottle or rigid plastic container The label shall consist of a number placed within a triangle of arrows and letters placed below the triangle The triangle shall be equilateral, formed by three arrows curved at their midpoints and depicting a clockwise path around the code number. The numbers and letters used shall be as follows

(1) For polyethylene terephthalate, the letters "PETE" and the number 1,
(2) For high density polyethylene, the letters "HDPE" and the number 2,
(3) For vinyl, the letter "V" and the number 3,
(4) For low density polyethylene, the letters "LDPE" and the number 4,
(5) For polypropylene, the letters "PP" and the number 5,
(6) For polystyrene, the letters "PS" and the number 6, and
(7) For any other, the letters "OTHER" and the number 7 "

SECTION 2. This Act shall take effect upon its approval.

(Approved July 3, 1990.)

ACT 319 H.B. NO. 3299

A Bill for an Act Relating to Energy Conservation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature recognizes the need to promote and support energy conservation and renewable energy resources in the State of Hawaii. The legislature finds, however, that the State's dependency on imported fossil fuel remains unabated, even in the face of the emergence of cost-effective and energy-saving technologies. Accordingly, the use of commercially available energy conservation systems, the adoption of energy-saving measures, and the development of demand-side management programs should be promoted to encourage the consumer's efficient use of energy resources.

Solar water heating systems and heat pumps are off-the-shelf, commercially available energy conservation systems that give every resident the opportunity to use an abundant renewable energy resource—the sun. Additionally, ice storage systems are designed to shift the consumption of energy to off-peak periods.

Although solar energy systems and heat pumps for water heating can play a major role in energy conservation, the current low price of imported oil has adversely affected the competitive viability of such devices. Further, the continued prudent use of energy by devices, such as ice storage systems, should be encouraged. As such, the legislature finds that incentives in the form of higher state tax credits are needed to ensure that progress will continue toward the State's goals of reducing its dependence on imported oil and using energy prudently. One of the purposes of this Act then, is to provide for a tax credit increase for the installation of ice storage systems and of solar water heating systems and to clarify the tax credit for heat pumps in new and existing buildings.

Recognizing our dependency on imported oil and our fragile and vulnerable economic foundation, the Hawaii state plan promotes the prudent use of power and fuel supplies through conservation measures. Consumer demand for energy must be considered an important variable that can be influenced by public utility actions. Demand-side management is the planning and implementation of utility actions to influence consumer use of energy to affect the utility system's demand characteristics. Acknowledging the importance of demand-side management, this Act also amends the state policy relating to the use of energy to include demand-side management programs as a conservation measure.

SECTION 2. Section 226-18(c), Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) To further achieve the energy objectives, it shall be the policy of this State to:

(1) Support research and development as well as promote the use of renewable energy sources[.];

(2) Ensure a sufficient supply of energy to enable power systems to support the demands of growth[.];

(3) Promote prudent use of power and fuel supplies through conservation measures including [education and energy-efficient practices and technologies]_
   (A) Development of cost-effective demand-side management programs,
   (B) Education, and
   (C) Adoption of energy-efficient practices and technologies, and
(4) Ensure that the development or expansion of power systems and sources adequately consider environmental, public health, and safety concerns, and resource limitations."

SECTION 3 Section 235-12, Hawaii Revised Statutes, is amended to read as follows

"**§235-12 [Solar or wind energy devices, heat pumps or ice storage systems;] Energy conservation; income tax credit.** (a) [Each] For taxable years ending before January 1, 1990, except in the case of ice storage systems for taxable years ending before January 1, 1991, each individual and corporate resident taxpayer who files an individual or corporate net income tax return for a taxable year, may claim a tax credit under this section against the Hawaii state individual or corporate net income tax The tax credit may be claimed for any solar or wind energy device, heat pump, or ice storage system in an amount not to exceed ten per cent of the total cost of the device, heat pump, or ice storage system, provided that the tax credit shall apply only to the actual cost of the solar or wind energy device, the heat pump, or ice storage system, their accessories, and installation and shall not include the cost of consumer incentive premiums unrelated to the operation of the solar or wind energy device, the heat pump, or ice storage system offered with the sale of the solar or wind energy device, the heat pump, or ice storage system The credit shall be claimed against net income tax liability for the year in which the solar or wind energy device, the heat pump, or ice storage system was purchased and placed in use, provided

(1) The tax credit shall be applicable only with respect to solar devices, which are erected and placed in service after December 31, 1974, but before [December 31, 1992,] January 1, 1990,
(2) In the case of wind energy devices and heat pumps, the tax credit shall be applicable only with respect to wind energy devices and heat pumps which are installed and placed in service after December 31, 1980, but before [December 31, 1992, and] January 1, 1990, and
(3) In the case of ice storage systems, the tax credit shall be applicable only with respect to ice storage systems which are installed and placed in service after December 31, 1985, but before [December 31, 1992] January 1, 1990

Tax credits which exceed the taxpayer's income tax liability may be used as a credit against the taxpayer's income tax liability in subsequent years until exhausted. If federal energy tax credits are not extended beyond December 31, 1985, are not retroactively extended or reenacted, or federal energy tax credits the same as or less in amount than the credits in effect during the 1985 taxable year are not enacted during the taxable year 1986, then the state tax credit shall be increased to [twenty] fifteen per cent of the total cost after [December 31, 1989, to December 31, 1992

(b)]' The director of taxation shall prepare such forms as may be necessary to claim a credit under this section The director may also require the taxpayer to furnish reasonable information in order to ascertain the validity of the claim for credit made under this section and may adopt rules necessary to

effectuate the purposes of this section pursuant to chapter 91.]' December 31, 1985, but before January 1, 1990.

[(c)]' As used in this [section:] subsection:

"Solar or wind energy device" means any new identifiable facility, equipment, apparatus, or the like which makes use of solar or wind energy for heating, cooling, or reducing the use of other types of energy dependent upon fossil fuel for their generation.

"Heat pump" means and refers to an electric powered compression heating system which [utilizes] extracts energy from warm ambient air or recovers waste heat [heated gas] to assist in the production of hot water.

"Ice storage system" refers to ice banks or other cool energy storage tanks, containers, accessories, and controls that are specifically designed to store ice or chilled fluids for the express purpose of shifting the consumption of energy to off-peak periods.

(c)' For taxable years beginning after December 31, 1989, each individual or corporate resident taxpayer who files an individual or corporate net income tax return for a taxable year, may claim a tax credit under this section against the Hawaii state individual or corporate net income tax. The tax credit may be claimed as follows:

(1) For wind energy systems that are installed and placed in service after December 31, 1989, but before January 1, 1999, the credit shall be twenty per cent of the actual cost;

(2) For solar energy systems that are installed and placed in service after December 31, 1989, but before January 1, 1999, on new and existing single family residential buildings, the credit shall be in an amount not to exceed thirty-five per cent or $1,750, whichever is less, of the actual cost of the solar energy system;

(3) For solar energy systems that are installed and placed in service after December 31, 1989, but before January 1, 1999, on new and existing multi-unit buildings used primarily for residential purposes, the credit shall be in an amount not to exceed thirty-five per cent or $350 per building unit, whichever is less, of the actual cost of the solar energy system; provided that a registered, professional engineer approves the design of the system and certifies that the solar design provides not less than eighty per cent of the daily annual average hot water needs of all the occupants of the building;

(4) For solar energy systems that are installed and placed in service after December 31, 1989, but before January 1, 1999, in new and existing hotel, commercial, and industrial facilities, the credit shall be in an amount not to exceed thirty-five per cent of the actual cost of the solar energy system;

(5) For heat pumps that are installed and placed in service after December 31, 1989, but before January 1, 1999, in new and existing single-family residential buildings, the credit shall be in an amount not to exceed twenty per cent or $400, whichever is less, of the actual cost of the heat pump;

(6) For heat pumps that are installed and placed in service after December 31, 1989, but before January 1, 1999, in new and existing multi-unit buildings used primarily for residential purposes, the credit shall be in an amount not to exceed twenty per cent or $200 per building unit, whichever is less, of the actual cost of the heat pump; provided that a registered, professional engineer approves the design of the system and certifies that the heat pump provides not less

than ninety per cent of the daily annual average hot water needs of all of the occupants of the building,

(7) For heat pumps that are installed and placed in service after December 31, 1989, but before January 1, 1999, in new and existing hotel, commercial, and industrial facilities, the credit shall be in an amount not to exceed twenty per cent of the actual cost of the heat pump, and

(8) For ice storage systems that are installed and placed in service after December 31, 1990, but before January 1, 1999, the credit shall be in an amount not to exceed fifty per cent of the actual cost of the ice storage system

The per unit of actual cost of a solar energy system or heat pump referred to in subsection (c)(3) and (6) shall be determined by multiplying the actual cost of the solar energy system or heat pump installed and placed in service in the multi-unit building by a fraction, the numerator being the total square feet of that unit in the multi-unit building, and the denominator being the total square feet of all the units in the multi-unit building

(d) Tax credits shall apply only to the actual cost of the solar or wind energy system, heat pump, or ice storage system, including their accessories and installation, and shall not include the cost of consumer incentive premiums unrelated to the operation of the system or offered with the sale of the system or heat pump The tax credit shall be claimed against net income tax liability for the year in which the solar or wind energy system, heat pump, or ice storage system was purchased and placed in use in Hawaii Tax credits that exceed the taxpayer's income tax liability may be used as credit against the taxpayer's income tax liability in subsequent years until exhausted

(e) The director of taxation shall prepare such forms as may be necessary to claim a credit under this section The director may also require the taxpayer to furnish reasonable information to ascertain the validity of the claim for credit made under this section and may adopt rules necessary to effectuate the purposes of this section pursuant to chapter 91

(f) As used in this section

"Solar or wind energy system' means any new identifiable facility, equipment, apparatus, or the like that converts solar insolation or wind energy to useful thermal or electrical energy for heating, cooling, or reducing the use of other types of energy dependent upon fossil fuel for their generation

"Heat pump" means an electric powered compression heating system that extracts energy from warm ambient air or recovers waste heat to assist in the production of hot water

"Ice storage system" refers to ice banks or other cool energy storage tanks, containers, accessories, and controls that are specifically designed to store ice or chilled fluids for the express purpose of shifting the consumption of energy to off-peak periods "

SECTION 4 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 5 This Act shall take effect upon its approval

(Approved July 3 1990)

Note

1 So in original

ACT 320 S.B. NO. 2294

A Bill for an Act Relating to Tax Administration.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. A recent opinion issued by the office of information practices has ruled that while offers-in-compromise in tax cases are subject to public disclosure under federal tax law, the same is not true under state tax law, despite the general approach of conforming state tax law to the federal law.

The purpose of this Act is to make offers-in-compromise open to public scrutiny by removing the confidential status of those documents, thereby bringing state tax law into conformance with federal law.

SECTION 2. Section 231-3, Hawaii Revised Statutes, is amended to read as follows:

"**§231-3 Department, general duties and powers.** The department of taxation shall have the following duties and powers, in addition to any others prescribed or granted by this chapter:

(1) Assessment: To make any assessment by law required to be made by the department;

(2) Collections: To be responsible for the collection of all taxes imposed by chapters 231 to 249, 236D, 244D, and 237D, except those which by law are to be collected by county treasurers, and for such other duties as are provided by law;

(3) Construction of revenue laws: To construe the tax and revenue laws, the administration of which is within the scope of the department's duties, whenever requested by any officer acting under [such] those laws, or by an interested person;

(4) Enforcement of penalties: To see that penalties are enforced when prescribed by any tax or revenue law of the State (the administration of which is within the scope of the department's duties) for disobedience or evading of its provisions, and to see that complaint is made against persons violating any such law; in the execution of these powers and duties the department may call upon the attorney general or any of the attorney general's deputies, including the county attorneys or public prosecutors, whose duties it shall be to assist in the institution and conduct of all proceedings or prosecutions for penalties and forfeitures, liabilities, and punishments for violation of the laws administered by the department;

(5) Forms: To prescribe forms to be used in or in connection with [such] any assessment, including forms to be used in the making of returns by taxpayers or in any other proceedings connected with the assessment, and to change the same from time to time as deemed necessary;

(6) Inspection, examination of records: To inspect and examine the records of all public officers without charge, and to examine the books and papers of account of any person for the purpose of enabling the department to obtain all information that could in any manner aid the department in discharging its duties under any tax law;

(7) Recommendations for legislation: To recommend to the governor [such] any amendments, changes, or modifications of the laws as

may seem proper or necessary to remedy injustice or irregularity in taxation or to facilitate the assessment of taxes;

(8) Report to governor To report to the governor annually, and at such other times and in such manner as the governor may require, concerning the acts and doings and the administration of the department, and [such] any other matters of information concerning taxation as may be deemed of general interest,

(9) Rules [and regulations]. To [make] adopt such rules [and regulations] as the department may deem proper effectually to carry out the purposes for which the department is constituted and to regulate matters of procedure by or before the department,

(10) Compromises With the approval of the governor, to compromise any claim arising under any tax law the administration of which is within the scope of the department's duties, and in [any such] each case there shall be placed on file in the department's office a statement of (A) the name of the taxpayer and the amount and type of tax assessed, or proposed to be assessed, (B) the amount of penalties and interest imposed or which could have been imposed by law with respect to the [preceding item,] amount of tax assessed, as computed by the department, (C) the total amount of liability as determined by the terms of the compromise, and the actual payments made thereon with the dates thereof, and (D) the reasons for the compromise, and notwithstanding the provisions of any law making unlawful the disclosure of tax returns or return information, statements on file in respect of compromises shall be open to public inspection,

(11) Retroactivity of rulings. To prescribe the extent, if any, to which any ruling, [regulation,] rule, or construction of the tax laws, of general application, shall be applied without retroactive effect,

(12) Remission of delinquency penalties and interest· Except in cases of fraud or wilful violation of the laws or wilful refusal to make a return setting forth the information required by law (but inclusion in a return of a claim of nonliability for the tax shall not be deemed a refusal to make a return), the department may remit any amount of penalties or interest added, under any law administered by the department, to any tax that is delinquent for not more than ninety days, in a case of excusable failure to file a return or pay a tax within the time required by law, or in a case of uncollectibility of the whole amount due, and in [any such] that case there shall be placed on file in the department's office a statement showing the name of the person receiving [such] the remission, the principal amount of the tax, and the year or period involved;

(13) Closing agreements· To enter into an agreement in writing with any taxpayer or other person relating to the liability of such taxpayer or other person, under any law the administration of which is within the scope of the department's duties, in respect of any taxable period, or in respect of one or more separate items affecting the liability for any taxable period, [such] the agreement, signed by or on behalf of the taxpayer or other person concerned, and by or on behalf of the department, shall be final and conclusive, and except upon a showing of fraud or malfeasance, or misrepresentation of a material fact, (A) the matters agreed upon shall not be reopened, and the agreement shall not be modified, by any officer or employee of the State, and (B) in any suit, action, or proceeding, [such] the

agreement, or any determination, assessment, collection, payment, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded;

(14) Other powers and duties: In addition to the powers and duties contained in this chapter, the powers and duties contained in chapters 235, 237 to 239, 243 to 245, 236D, 244D, and 237D, for levying, assessing, collecting, receiving, and enforcing payments of the tax imposed thereunder, and otherwise relating thereto, shall be severally and respectively conferred, granted, practiced, and exercised for levying, assessing, collecting, receiving, and enforcing payment of the taxes imposed under the authority of those chapters as far as the provisions are consistent with the express provisions of those chapters, as fully and effectually to all intents and purposes as if the same powers and authorities were repeated in those chapters, with reference to those taxes, and all of the provisions shall be applied, construed, deemed, and taken to refer to the taxes imposed under the authority of those chapters, in like manner."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved July 6, 1990.)

ACT 321 H.B. NO. 2904

A Bill for an Act Relating to Public Assistance.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1. Chapter 346, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . JOB OPPORTUNITIES AND BASIC SKILLS (JOBS) PROGRAM

§346- JOBS; establishment; purpose. There is established a mandatory work program for certain applicants and recipients of aid to families with dependent children (AFDC) consistent with federal regulations and requirements under Title IV-F of the Social Security Act, Public Law 100-485. The purposes of the job opportunities and basic skills (JOBS) program shall be to encourage, assist, and require AFDC applicants and recipients to fulfill their responsibilities to support their children by preparing for, accepting, and retaining employment. To assure that needy individuals or families are provided the means to avoid long-term welfare dependency, JOBS is intended to:

(1) Provide individuals with the opportunity to acquire the basic education and skills necessary to qualify for employment;

(2) Provide necessary supportive services, including but not limited to transitional child care and medical assistance, so that recipients can participate in the work program and accept employment, and

(3) Coordinate job services at all levels of government to facilitate access to a wide range of services and maximize the use of existing resources

§346- Eligible participants; priority target groups. (a) All applicants for and recipients of AFDC shall be required to register and participate in the program, provided that exemptions consistent with federal requirements are applied

(b) The priority target groups under the JOBS program may include individuals who

(1) Are receiving AFDC and have received such aid for any thirty-six of the preceding sixty months,
(2) Are applying for AFDC and have received such aid for any thirty-six of the sixty months immediately preceding the most recent month for which application has been made,
(3) Are custodial parents under the age of twenty-four years,
(4) Are members of a family in which the youngest child is within two years of being ineligible for AFDC because of age

(c) Exempt applicants for and recipients of AFDC and state- funded public assistance programs may volunteer to participate in the program

(d) The department shall not be required to provide services to all eligible participants, if necessary resources are not available, provided that

(1) Participants not offered specific services due to lack of resources shall be placed on inactive status until these services are available, and
(2) Any participant placed on inactive status due to lack of resources shall not incur any negative sanctions as a result of that placement

(e) The department may establish quotas for the target groups under this program to reflect the priorities of this section

§346- Program components. The activities and components of the JOBS program may include, but are not limited to the following

(1) Assessment and identification of barriers to participation,
(2) Development of a supportive service plan to remove barriers,
(3) Employability planning, including career path development,
(4) Basic and higher education, including remedial education and English proficiency to help participants become job ready,
(5) Job skills training,
(6) Job readiness and job search,
(7) Job placement activities and services,
(8) Work maturity,
(9) Work/study, and
(10) Work experience and community work experience program (CWEP)

§346- Assessment. An initial assessment of each participant shall determine priority for participation in JOBS. A comprehensive assessment may follow to determine barriers to participation in the program and may include, but is not limited to

(1) A review of the family circumstances to identify social and health problems and needs, and
(2) Identification of child care, transportation, and other supportive services needs

§346- **Support service plan.** Where barriers have been identified during the assessment phase, the department, in consultation with the participant, shall develop a supportive service plan describing services or tasks to be completed for removing or controlling barriers which constrain participation in employment, training, or education.

§346- **Employability planning.** Under this component, the department shall assess the participant's skills, knowledge, capability, and capacity for permanent employment in general and in specific professions, occupations, or vocations; offer guidance and counseling to establish career goals and develop career paths; and, with the assistance and agreement of the participant, establish and approve a specific employability plan which may include job placement, job training, and education.

§346- **Case management.** The department may provide to a participant case management services to support and strengthen the participant's capacity to become self-supporting and to facilitate access to resources and opportunities required for self-support. Case management activities may include, but are not limited to:

(1) Facilitating activities and services needed by a recipient who is working toward the goal of self-sufficiency;
(2) Assisting the individual and the family to obtain services needed to assure effective participation in the program;
(3) Facilitating communication between the participant and service providers;
(4) Providing initial support, assessment, and referral to appropriate services; and
(5) Monitoring the participant's progress to ensure that the individual receives required assistance in a timely and effective manner.

§346- **Child care.** The department may provide child care services to eligible families to allow participation in education, training, and employment in accordance with federal regulations and requirements; provided that the department:

(1) Shall ensure that care arrangements for children meet applicable standards of state law; and
(2) May pay for child care services up to the amount consistent with the department's payment standard.

§346- **Transportation assistance.** (a) The department may provide transportation assistance that is necessary to enable an individual to participate in the JOBS program. The assistance may include the cost of transportation of the participant and participant's child, if necessary.

(b) The determination of whether the transportation services to be used are necessary and economical shall be the decision of the department upon consultation with the participant.

(c) Transportation assistance may be provided through bus passes, mileage reimbursements equivalent to the public employees' contract negotiations, and other appropriate means of transportation to be determined by the department with the involvement and agreement of the participant.

(d) The department may provide assistance with air fare cost, on a limited basis and as funds permit, to eligible individuals living on Molokai, Lanai, and West Hawaii to travel to another island to receive appropriate training not available in these locations. Assistance with this cost shall be based on the

individual's employability plan and availability of employment in the individual's place of residence

§346- **Other support services.** The department may provide other supportive services, such as counseling for personal and family-related problems, and for one-time training and work- related expenses to allow eligible individuals to participate in education, training, and employment The department may

(1) Provide health and social services to eligible individuals and families with identified needs to assist them in removing or controlling any barriers to successful participation in the program
(2) Establish separate emergency funds to meet the one-time training and work-related expenses necessary to allow individuals to participate in the program The items to be paid for by the emergency fund may include, but are not limited to, initial work clothing, work tools, safety equipment, dental and medical procedures not covered under the medical assistance program, rental and utility deposits not available through the welfare grant, and limited assistance with auto repairs

§346- **Incentive benefits.** The department may provide incentive benefits for recipients who work full time under an employability plan by providing supplemental benefits up to one hundred per cent of the poverty standard

§346- **Transitional benefits.** The department may provide transitional child care and medical benefits to those families whose eligibility for AFDC has been discontinued due to employment Transitional assistance shall be provided in accordance with federal regulations and requirements and shall be arranged and developed with the involvement and approval of the participant

§346- **Coordination.** The department shall coordinate the JOBS program with education, employment, health, and other related services programs to assist participants in becoming self-sufficient

§346- **Contracts.** The department may contract with a public agency or private nonprofit organization to administer all or portions of this part in accordance with federal regulations and in accordance with chapter 42

§346- **Rules.** The department shall adopt rules consistent with federal JOBS program requirements and in accordance with chapter 91 for the purposes of this part

§346- **Duties.** The department shall monitor and evaluate the JOBS program, and shall among other analyses identify factors that facilitate or make difficult the implementation of this Act The department shall also assess the impact of the program with regard to encouraging AFDC recipients in finding employment and avoiding long-term welfare dependency The department shall collect and provide all data relevant to its assessment

The department shall submit annual status reports on its findings to the legislature prior to the convening of the regular session of each year, starting with the regular session of 1991 '

SECTION 2 Section 346-53, Hawaii Revised Statutes, is amended to read as follows

"**§346-53 Determination of amount of assistance.** (a) The standard of need for families of given sizes shall equal the poverty level established by the federal government, pro-rated over a twelve-month period.

(b) The assistance allowance provided shall be based on a percentage of the standard of need. On July 1, 1989, the assistance allowance shall be set at sixty-two and one-half per cent of the standard of need. Changes in the financial assistance standard of need and the assistance allowance shall become effective on July 1 of each year thereafter, subsequent to any change in the federal poverty level.

(c) The director, pursuant to chapter 91, shall determine the rate of payment for the different levels of domiciliary care provided to recipients eligible either for Federal Supplemental Security Income, or public assistance in accordance with state standards, or both. The director shall provide for level of care increases effective July 1, 1989, as follows:

(1) For those adult residential care homes classified as facility type I: not less than $70 for level of care (LOC) I; not less than $105 for LOC II; and not less than $145 for LOC III; and

(2) For those adult residential care homes classified as facility type II: not less than $124 for LOC I; not less than $105 for LOC II; and not less than $145 for LOC III.

The rate of payment at which level a recipient enters an adult residential care home licensed pursuant to section 321-15.6 shall remain the same for as long as the recipient resides in that adult residential care home. The rate of payment may be raised if the recipient's condition so requires, or by rule of the department in accordance with this subsection; provided that:

(1) Notwithstanding the rate of payment at the time of entry, the department shall ensure that the recipient shall receive the quality of care consistent with the level of care as determined by the department; and

(2) If the operator does not provide the quality of care consistent with the needs of the individual as determined by and to the satisfaction of the department, the department may reduce the rate of payment, or adjust the level of care, or remove the recipient to another facility.

The department shall handle abusive practices under this section in accordance with chapter 91.

Nothing in this subsection shall allow the director to remove a recipient from an adult residential care home or other similar institution if the recipient does not desire to be removed and the operator thereof is agreeable to the recipient remaining therein, except where the recipient requires a higher level of care than provided thereby, or where the recipient no longer requires any domiciliary care.

(d) The department shall pay rental and utility (to include gas, electricity, and water only) deposits once only for any person eligible for financial assistance by the department. However, under extraordinary circumstances as determined by the department, an additional rental deposit, utility deposit, or both, may be granted.

(e) Any recipient may petition the department for additional assistance when the recipient's need is due to emergencies caused by seismic wave, tsunami, hurricane, volcanic eruption, typhoon, earthquake, flood, or fire determined by the director to have caused losses as to require and justify additional assistance from the State. In addition any recipient may petition the department for additional assistance for the replacement or repair of household appliances. Such additional assistance shall be paid on an emergency basis, as determined by the department, to meet the cost of replacing or repairing household appliances.

If the cost of repairs of household appliances is less than one-half the unit cost of the item, the department shall pay for the cost of repairs. If the cost of repairs of household appliances is more than one-half the unit cost of the item, the department shall replace the household appliance, provided that the replacement cost shall not exceed $350 For the purposes of this subsection "household appliances" means a refrigerator or a range

The department shall establish an emergency fund, not to exceed one per cent of total financial assistance from state funds required by this chapter in the previous fiscal year The director shall adopt rules pursuant to chapter 91 for determining in which cases to grant lump sum payments to recipients petitioning for additional assistance.

(f) The department shall include protective child care payment as a special needs item in the financial assistance standard for cases of child neglect or abuse requiring placement of a child in child care The referral for protective child care payment shall be from the department's child welfare program and the rate of payment shall be set by the department.

(g) Notwithstanding any other law to the contrary, the director, subject to the availability of funds, shall develop and implement rules adopted pursuant to chapter 91 that allow the department to subtract income from the standard of need The department may ratably reduce the difference between countable income and the standard of need to determine the assistance allowance.

[(g)] (h) The director shall adopt rules pursuant to chapter 91 to implement this section."

SECTION 3 Section 392-5, Hawaii Revised Statutes, is amended to read as follows.

"§392-5 Excluded services. "Employment" as defined in section 392-3 does not include the following service

(1) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, performed in any calendar quarter by an individual if the cash remuneration paid by the employer for such service is less than $225;

(2) Service not in the course of the employer's trade or business performed in any calendar quarter by an individual, unless the cash remuneration paid for the service is $50 or more and the service is performed by an individual who is regularly employed by the employer to perform the service An individual shall be deemed to be regularly employed to perform service not in the course of the employer's trade or business during a calendar quarter only if (A) on each of some twenty-four days during the quarter the individual performs the service for some portion of the day, or (B) the individual was regularly employed (as determined under subparagraph (A)) by the employer in the performance of the service during the preceding calendar quarter;

(3) Service performed on or in connection with a vessel not an American vessel, if the individual performing the service is employed on and in connection with the vessel when outside the United States,

(4) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, including service performed as an ordinary incident thereto, except (A) the service performed in connection with a vessel

of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States), and (B) the service performed in connection with a vessel of ten net tons or less (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States) by an individual who is employed by an employer who, for some portion in each of twenty different calendar weeks in either the current or preceding calendar year, had in the employer's employ one or more persons performing the service, whether or not the weeks were consecutive and whether or not the same individuals performed the service in each week, and (C) service performed in connection with the catching or taking of salmon or halibut for commercial purposes;

(5) Service performed by an individual in the employ of the individual's son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of the child's father or mother;

(6) Service performed in the employ of the United States government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this chapter;

(7) Service performed in the employ of any other state, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more such states or political subdivisions; and any service performed in the employ of any instrumentality of one or more other states or their political subdivisions to the extent that the instrumentality is, with respect to such service, exempt from the tax imposed by section 3301 of the Internal Revenue Code of 1954;

(8) Service with respect to which temporary disability compensation is payable for sickness under a temporary disability insurance system established by an act of Congress;

(9) Service performed in any calendar quarter in the employ of any nonprofit organization exempt from income tax under section 501 of the Internal Revenue Code of 1954, if (A) the remuneration for such service is less than $50, or (B) the service is performed by a student who is enrolled and is regularly attending classes at a school, college, or university, or (C) the service is performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of the minister's ministry or by a member of a religious order in the exercise of nonsecular duties required by the order, or (D) the service is performed for a church by an employee who fails to meet the eligibility requirements of section 392-25;

(10) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of the association or their dependents, if (A) no part of its net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and (B) eighty-five per cent or more of its income consists of amounts collected from members and amounts contributed by the employer of the members for the sole purpose of making such payments and meeting expenses;

(11) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of the association or their dependents

or their designated beneficiaries, if (A) admission to membership in the association is limited to individuals who are officers or employees of the United States government, and (B) no part of the net earnings of the association inures (other than through such payments) to the benefit of any private shareholder or individual,

(12) Service performed in the employ of a school, college, or university, not exempt from income tax under section 501 of the Internal Revenue Code of 1954, if the service is performed by a student who is enrolled and is regularly attending classes at the school, college, or university;

(13) Service performed in the employ of any instrumentality wholly owned by a foreign government, if (A) the service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof, and (B) the United States Secretary of State has certified or certifies to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof,

(14) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law, and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law,

(15) Service performed by an individual for an employer as an insurance agent or as an insurance solicitor, if all such service performed by the individual for the employer is performed for remuneration solely by way of commission,

(16) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution,

(17) Service covered by an arrangement between the department and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employer during the period covered by the employer's duly approved election, are deemed to be performed entirely within the agency's state,

(18) Service performed by an individual who, pursuant to the Federal Economic Opportunity Act of 1964, is not subject to the federal laws relating to unemployment compensation,

(19) Domestic, which includes attendant care, and day care services authorized by the department of human services under the Social Security Act, as amended, performed by an individual in the employ of a recipient of social service payments, or

(20) Service performed by a vacuum cleaner salesman for an employing unit, if all such services performed by the individual for such employing unit are performed for remuneration solely by way of commission[, or

(21) Service performed by a participant in the workfare program for an employing unit under the supported work subcomponent of section 346-205]."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon approval; provided that section 2 of this Act shall take effect on October 1, 1990.

(Approved July 9, 1990.)

ACT 322 S.B. NO. 2617

A Bill for an Act Relating to Protection Against Spousal Impoverishment.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 346-29, Hawaii Revised Statutes, is amended to read as follows:

"§346-29 Applications for public assistance; manner, form, conditions. Applications for public assistance under this chapter shall be made by the applicant, or by someone acting in the applicant's behalf, in the manner, place, and form prescribed by the department.

No applicant shall be entitled to public assistance under this chapter who has sufficient income or other resources to provide a standard above that provided in this chapter, or who is an inmate of any public institution as long as the Social Security Act precludes the use of federal funds to provide public assistance to an inmate of such an institution, except that any inmate of a public institution who is otherwise eligible for medical assistance and who has been determined by the medical director of the institution as having a major illness or medical condition requiring the provision of medical care outside of the institution may receive assistance under this chapter. An inmate of an institution mentioned in this section may apply for assistance to begin after the inmate's discharge from the institution. In determining the needs of an applicant or recipient for public assistance by the department, the department:

(1) Shall disregard such amounts of earned or unearned income and resources as required by the Social Security Act or other federal acts, to receive federal matching funds and may disregard such additional amounts as these acts permit, now or in the future, to be disregarded.

(2) Shall consider as net income in all cases such income as the Social Security Act or other federal acts may require the department to consider for receipt of federal matching funds and may consider such additional income and resources as these acts may permit, now or in the future, to be considered.

(3) Shall disregard a total of $1,000 in assets in determining the needs of persons for financial assistance; provided that the amount to be disregarded, shall not exceed standards under federally funded financial assistance programs. This provision shall not apply to persons eligible for Federal Supplemental Security Income benefits. In determining the needs of such persons, the department shall apply

the resource retention requirements under the Federal Supplemental Security Income Program

(4) Shall apply the resource retention requirements under the Federal Supplemental Security Income Program in determining the needs of a single person for medical assistance only

(5) Shall apply the resource retention requirements under the Federal Supplemental Security Income Program in determining the needs of a family of two persons for medical assistance only and an additional $250 for each additional person included in an application for medical assistance only

(6) Shall disregard amounts of emergency assistance granted under section 346-65

(7) Shall not consider as income or resources any payment for services to or on behalf of, or any benefit received by, a participant under the workfare program of part IX, other than wages Wages earned by a participant while participating in the workfare program shall be considered income of the participant, unless the wages are excluded or disregarded under any other law

(8) Shall not consider as income or resources payment made to eligible individuals, eligible surviving spouses, surviving children or surviving parents as specified under Title I of the Civil Liberties Act of 1988, Public Law 100-383, which made restitution to individuals of Japanese ancestry who were interned during World War II.

(9) Shall allow the community spouse of an individual residing in a medical institution to maintain countable resources to the maximum allowed by federal statutes or regulations with provisions for increases, as allowed by the Secretary of Health and Human Services by means of indexing, court order, or fair hearing decree, without jeopardizing the eligibility of the institutionalized spouse for medical assistance

(10) Shall allow an individual residing in a medical institution to contribute toward the support of the individual's community spouse, thereby enabling the community spouse to maintain the monthly maximum income allowed by federal statutes or regulations, with provisions for increases as allowed by the Secretary of Health and Human Services by means of indexing, court order, or fair hearing decree

In determining eligibility for medical assistance, the department shall require from all applicants and recipients the assignment of any benefits due to a third party liability Any rights or amounts so assigned shall be applied against the cost of medical care paid under this chapter

The director shall adopt rules pursuant to chapter 91 defining assets and to determine eligibility for medical assistance, provided that the cash surrender value of life insurance policies owned by persons included in an application shall be treated as assets "

SECTION 2 New statutory material is underscored

SECTION 3 This Act shall take effect on October 1, 1990

(Approved July 9, 1990)

ACT 323 H.B. NO. 2046

A Bill for an Act Relating to Long-Term Care.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the State must adopt cost-effective strategies that encourage the independence, self- sufficiency, and well-being of elders through community-based programs. The legislature further finds that the growing elderly population will depend increasingly upon family caregivers, many of whom assume multiple roles as workers, parents, and community volunteers, and therefore require assistance in order to remain in the work force. The legislature also finds that many community facilities can be converted to use for community-based programs, and that other facilities now being used as sites for senior centers, nutrition meal sites, and adult day care and adult day health programs are unsafe or inadequate. Finally, the legislature finds there is a need to support and encourage the development of adult day care and adult day health centers.

The purpose of this Act is to support family caregivers, assure safe and adequate care to elders, and pursue cost-effective service options for older adults by providing grants to renovate and improve existing facilities used to deliver services through senior centers, meal sites for nutrition programs, and facilities for adult day care and adult day health programs. It is also the purpose of this Act to increase the number of facilities for the provision of adult day care and adult day health programs by providing grants to convert and renovate existing facilities so that additional adult day care and adult day health programs can be located in such facilities.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $1,000,000, or 0.039 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. As used in this Act, unless the context otherwise requires:

"Adult day care" means a socialization program designed to meet the social as well as minimum health needs of functionally or mentally impaired adults for the purpose of providing care, assistance, guidance, or training essential for sustaining the activities of daily living in a protective setting during the day. Services are generally provided on a long-term basis.

"Adult day health" means a program similar to adult day care but also includes health and rehabilitative services as well as support services to restore or maintain to the fullest extent possible the participant's capacity for remaining in the community. Services are generally provided on a long-term basis.

"Nutrition meal site", "nutrition program site", or "meal site" means a facility or place where meals are served in a congregate setting on a regular basis to participants of the nutrition program for the elderly funded by the executive office on aging.

"Organization" means a nonprofit or a profit entity or a government agency which has a fee simple or leasehold interest in real property that is used to provide adult day care or adult day health programs or serves as a senior center

or nutrition meal site, or which owns a facility that can be used for the operation or delivery of such programs and services

"Renovate" or "improve" means modifications upon or to an existing facility either to convert its use to or continue use as a senior center, nutrition program site, or a facility for adult day care or adult day health program, including restoring and repairing the original facility and all such related physical improvements

"Senior center" means a community facility for the organization and provision of a broad spectrum of services, including, and not limited to, the provision of health, social, and educational services and the provision of facilities for recreation activities for older persons

SECTION 4 (a) Applications for grants shall be made to the executive office on aging and shall contain such information as the office shall require by rules adopted pursuant to chapter 91 Every applicant shall provide assurance to the executive office on aging that

(1) The facility to be renovated or improved shall be used as a senior center or a meal site for senior citizens' nutrition programs, or for the delivery of adult day care programs or adult day health programs for a continuous period of at least five years,

(2) Any adult day care or adult day health programs located in a renovated facility will be duly licensed by the department of health or the department of human services,

(3) The program shall comply with applicable federal and state laws prohibiting discrimination against any person on the basis of race, color, national origin, religion, creed, sex, age, or physical handicap,

(4) The grant shall not be used for purposes of entertainment or perquisites,

(5) The applicant shall comply with any other requirement the executive office on aging may prescribe to ensure adherence to applicable federal, state, and county laws,

(6) All renovations and improvements undertaken with funds received under this Act shall comply with all applicable state and county statutes and ordinances, including applicable building codes and structural requirements imposed under the licensure requirements of the department of health and department of human services,

(7) If the applicant is a profit organization, it shall provide at least ten per cent of the total costs of renovation and construction,

(8) The applicant shall indemnify and hold harmless the State of Hawaii and its officers, agents, and employees from and against any and all claims arising out of or resulting from the renovation and improvements made with funds provided by this Act, and, upon request of the executive office on aging, the applicant shall procure sufficient insurance to provide that indemnification, and

(9) The facility shall not be and is not intended to be used for sectarian instruction or as a place of worship

(b) To receive a grant under this Act to convert an existing facility into an adult day care or adult day health facility the applicant shall

(1) Be a profit organization incorporated under the laws of the State, or a nonprofit organization determined to be exempt from the federal income tax by the Internal Revenue Service,

(2) In the case of a nonprofit organization, have a governing board whose members have no material conflict of interest and serve without compensation, have bylaws or policies which describe the

manner in which business is conducted and policies relating to nepotism and management of potential conflict of interest situations, and employ or have under contract persons as are qualified to engage in the activity; provided that no two or more members of a family or kin of the first or second degree shall be employed or under contract unless specifically permitted in writing by the executive office on aging;

(3) Agree to make available to the department of health and the department of human services all records it may have relating to the operation of any adult day care or adult day health program in the facility, and to allow the state agencies to monitor its compliance with the purposes of this Act;

(4) Agree that, if the facility is to be altered or improved, or is to be used by other age groups, moneys appropriated by this Act shall be used for renovating or improving the facility only in proportion to the floor space to be used by older persons; and

(5) Establish, to the satisfaction of the executive office on aging, that sufficient funds are available for the effective use of the facility for the purpose for which it is being renovated or improved.

(c) In selecting applicants for funding, the executive office on aging shall make every effort to ensure that adult day care and adult day health programs and facilities are equitably distributed throughout the State according to demographic need; provided that the office may give preference to the following:

(1) Applications for funds to renovate a workplace to meet the employees' needs for assistance in the care of elderly family members during the workday;

(2) An applicant willing to provide more than the requisite ten per cent matching funds; and

(3) An applicant who has received a written commitment from a licensed adult day care or adult day health provider agency to deliver services at the facility to be renovated and improved.

(d) In considering applications for grants to renovate or improve an existing senior center, nutrition program site, or facility used for the operation of adult day care or adult day health program, the executive office on aging shall give preference to applications to renovate facilities most in need of repair to address safety and habitability concerns.

SECTION 5. The executive office on aging shall be responsible for disbursing all grants to those applicants it has selected to receive funding. It shall also be responsible for monitoring all renovations and improvements undertaken with the grants. No grant shall be disbursed unless an agreement is entered into between the applicant and the State, by and through the executive office on aging. The agreement shall include the assurances and conditions required by this Act and any other terms which the executive office on aging may require.

SECTION 6. This Act shall be construed to be consistent with existing statutory law; provided that, in the case of conflict, provisions contained in this Act shall prevail.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii, the sum of $1,000,000 or so much thereof as may be necessary for fiscal year 1990-1991, for the purposes of this Act. The provisions of chapters 102, 103, and 104, Hawaii Revised Statutes, shall not apply to the expenditure of funds appropriated by this Act. The provisions of chapter 42, Hawaii Revised

Statutes, shall not apply to the grants made pursuant to this Act, but all grants shall be made only in accordance with the standards and conditions specified in this Act Any unexpended or unencumbered balance of the sum appropriated remaining as of the close of business on June 30, 1991, shall lapse into the general fund

SECTION 8 The sum appropriated shall be expended by the executive office on aging for the purposes of this Act

SECTION 9 This Act shall take effect on July 1, 1990

(Approved July 9, 1990)

ACT 324 S.B NO 3146

A Bill for an Act Relating to Home and Community-Based Care

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $2,326,112 or 0 091 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the need provided for by this Act

SECTION 2 Chapter 333F, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows.

"**§333F- Provision of services; family and caregiver support.** The director may provide such services as may be necessary to maintain and enhance care giving in community-based homes for persons with developmental disabilities For the purposes of this section, "family and caregiver support" means a flexible and varied network of support which does not supplant community resources, and which is capable of providing for the individual families caring for persons with developmental disabilities Such services may include

(1) In-home and out-of-home respite services for families and care providers,
(2) The purchase of adaptive equipment such as bath chairs and special positioning chairs not covered by health insurance or other resources,
(3) Counseling services for families of care providers concerning stresses and feelings about caring for persons with developmental disabilities,
(4) Special supply purchases such as diapers and special clothing required by persons with developmental disabilities,
(5) Homemaker and chore services,
(6) Transportation services not available through existing resources in the community,

(7) Specialized therapy services for persons with developmental disabilities not available through insurance, medicaid, or other resources;

(8) Case management to help families and care providers coordinate and access services available to persons with developmental disabilities; and

(9) Provision, without regard to chapter 42, of modifications to dwelling units to enable persons with developmental disabilities with sensory limitation or mobility problems to reside in community homes which require adaptive and safety alterations such as the installation of ramps and porch lifts, bars and hand rails, widening of doorways, removal of other architectural barriers and the enlargement of bath facilities to allow the movement of and ensure the safety of the person with developmental disabilities; provided that there shall be an agreement between the care provider and the department to ensure continued care in the home where the modification is provided; and provided further that modification costs shall be limited to the amount of funds appropriated for the program for any individual client."

SECTION 3. Section 346D-2, Hawaii Revised Statutes, is amended to read as follows:

"**[|§346D-2|] Establishment of a community long-term care/nursing home without walls program.** (a) A community long-term care/nursing home without walls program shall be established in the department of human services to provide comprehensive home services for acute or chronically ill and disabled clients who are certified as requiring acute, skilled nursing, or intermediate level care.

(b) The provision of services shall be statewide.

(c) A ceiling shall be placed on the nursing home without walls program expenditures, limiting total expenditures to not more than seventy-five per cent of the annual medicaid cost to maintain the nursing home without walls program caseload at their appropriate level of institutional care. The medicaid cost which shall be the basis for the expenditure ceiling shall be determined by the department of human services.

[(d) A ceiling shall be placed on individual client care expenditures so that the annual cost of client care through the nursing home without walls program does not exceed seventy-five per cent of the annual medicaid cost to provide the appropriate level of care for the client. If there is more than one client in a family, the expenditure ceilings of each client shall be added together and the costs of their care combined and evaluated against the sum.

(e)] (d) If [the client] clients from the nursing home without walls program [does] do not utilize the entire funds available for the [client's] clients' care, "paper credits" shall be accrued on the [client's] clients' behalf to be utilized during a period of higher service requirements."

SECTION 4. There is established within the department of health a task force for the purpose of advising the department of health on the allocation and expenditure of moneys appropriated for respite care services and broad policy statements related to respite services. The task force shall be appointed by the director of health and shall be composed of eleven members, including at least one representative from each of the following: the department of health; the state planning council on developmental disabilities; and the commission on persons

with disabilities The task force shall also include five consumer members representing the five special needs groups listed in section 5 of this Act

SECTION 5 There is appropriated out of the general revenues of the State of Hawaii the sum of $1,000,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the provision of support services and training to families and caregivers who provide home care to individuals with developmental disabilities and mental illness and for the establishment and development of respite care services to families providing home care to a family member who is

(1) An infant or toddler (from birth through three years of age) with a developmental delay,
(2) A seriously mentally ill adult,
(3) A seriously emotionally disturbed child,
(4) A seriously or terminally ill child, or
(5) A developmentally disabled adult or child

The sum appropriated shall be expended by the department of health for the purposes of this section

SECTION 6 [1] There is appropriated out of the general revenues of the State of Hawaii the sum of $650,000, or so much thereof as may be necessary for fiscal year 1990-1991 for the expansion of respite care services, the establishment of a statewide caregiver training program, and the design and implementation of a pre-retirement and caregiver demonstration program, as follows

(1) Expansion of respite care services for families providing at-home care to an elderly family member $350,000
(2) Establishment of a statewide caregiver training program through the University of Hawaii community college system for professional and family caregivers which includes the provision of respite care to family caregivers to enable them to attend classes offered by the program $225,000
(3) Design and implementation of a pre-retirement and caregiver demonstration program for state employees, for possible future application by private employers $75,000

The sum appropriated shall be expended by the executive office on aging for the purposes of this section

SECTION 7 There is appropriated out of the general revenues of the State of Hawaii the sum of $75 000, or so much thereof as may be necessary for fiscal year 1990-1991, for the establishment and development of respite care services for child foster care providers statewide, and the hiring of staff to recruit persons who can provide child foster care respite services

The sum appropriated shall be expended by the department of human services for the purposes of this section

SECTION 8 There is appropriated out of the general revenues of the State of Hawaii the sum of $100,000, or so much thereof as may be necessary for fiscal year 1990-1991, for an assessment of at-home family caregiving which includes, but is not limited to, the following issues

(1) The types and respective numbers of disabled or ill individuals being cared for at home by families,
(2) The approximate annual out-of-pocket costs of at-home family care giving,
(3) The usual methods of financing at-home family care, and

(4) Recommendations on how the State can assist at-home family caregivers.

The commission on persons with disabilities shall conduct the assessment and shall submit a report of its findings and recommendations to the legislature not later than twenty days before the convening of the regular session of 1991.

The sum appropriated shall be expended by the department of health for the purposes of this section.

SECTION 9. There is appropriated out of the general revenues of the State of Hawaii the sum of $250,000, or so much thereof as may be necessary for fiscal year 1990-1991, for expansion of the crisis intervention services for the elderly program to include the provision and development of in-home emergency care services to disabled or ill persons of all ages requiring long-term care at home.

The sum appropriated shall be expended by the executive office on aging for the purposes of this section.

SECTION 10.[1] There is appropriated out of the general revenues of the State of Hawaii the sum of $176,112, or so much thereof as may be necessary for fiscal year 1990-1991, for expansion of the senior companion and respite companion programs, as follows:

A. Senior companion program:
   (1) Expand services statewide, including hiring approximately twenty additional companions. $50,000
   (2) Establish services on the island of Lanai, including hiring three companions. $10,000
   (3) Establish a permanent program specialist position to provide support to additional companions statewide, recruit volunteers, and arrange training. $26,808
B. Respite companion program:
   (1) Establish an additional permanent half time program specialist position and a full-time clerk/typist position. $29,304
   (2) Establish fifteen additional respite companion positions $60,000

The sum appropriated shall be expended by the department of human services for the purposes of this section.

SECTION 11. There is appropriated out of the general revenues of the State of Hawaii the sum of $75,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the provision of services and training, as well as the establishment and development of respite care services, to families providing home care to a family member who is a disabled adult or child.

The sum appropriated shall be expended by the department of human services for the purposes of this section.

SECTION 12. Statutory material to be repealed is bracketed. New statutory material is underscored.[2]

SECTION 13. This Act shall take effect upon its approval; provided that sections 5 through 11 shall take effect on July 1, 1990.

(Approved July 9, 1990.)

Notes

1 So in original
2 Edited pursuant to HRS §23G-16.5

ACT 325

H B NO 2092

A Bill for an Act Relating to A Social and Employment Services Incubator Project

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that the increase in demands for housing has directed development toward rural areas of the State away from the current urban hubs The new developments include master-planned communities, which are designed to provide the infrastructure necessary to minimize adverse impact of the new population on the environment While the master plans for these new developments provide for physical structures, they do not provide for the delivery of human services to the new residents of these communities For example, data indicate that in West Oahu there will be a continued need for assistance from social service and employment support agencies in this region but that people will have difficulty reaching these agencies due to their scattered locations and the lack of transportation alternatives Community demand is expected to intensify dramatically with the planned development in the Ewa Plain/West Beach corridor, yet there is no master plan to make the delivery of services to the new population centers more accessible

The legislature further finds that the existing network of social services for outlying areas, such as the communities adjacent to the site for Kapolei, has evolved over time in response to the needs of these small communities The current profile of these regions reflects a patchwork of sites and services that is sometimes difficult for residents to access Such service delivery will not be appropriate for a master-planned community such as Kapolei To date, there has been limited effort to view the aggregate current and projected needs of these rapidly changing regions both from the consumer and service provider perspectives

The purpose of this Act is to link social and employment services with housing developments by establishing a mechanism for the planned development of the delivery of services at a one-stop center in Kapolei A state building will be constructed at Kapolei in three to four years That building would be an ideal site for the clustering of social and employment services in a shared facility It is the intent of the legislature that the project implemented through this Act serve as a model for future master-planned communities throughout the State

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $98,606 or 0 0039 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 3 (a) There is established, within the department of labor and industrial relations, the social and employment services incubator project board,

which shall be responsible for the planning and implementation of the social and employment services incubator project. The board shall be composed of fifteen voting members to be appointed by the governor as follows: the directors of health, human services, and labor and industrial relations, or their designated representatives; the superintendent of education or a designated representative; the director of the office of state planning or a designated representative; one representative each from the city and county of Honolulu's Work Hawaii program, the office of Hawaiian affairs, the University of Hawaii, the West Oahu Employment Corporation, the Kamehameha Schools Na Hookama Program, the Honolulu Community Action Program, Inc., and Alu Like; and three residents from communities adjacent to the Kapolei site. The board shall elect a chairperson from among its members at its first meeting. The members shall serve without compensation but shall be reimbursed for necessary and actual expenses incurred in the discharge of their duties under this Act.

(b) The board may undertake all necessary studies to fully and effectively carry out its functions and may enter into contracts with qualified persons or any government agency for studies and for the provision of administrative services.

(c) The board may accept, hold, disburse, and allocate funds which may become available from other governmental and private sources to implement this Act.

SECTION 4. (a) There is established a pilot program to be known as the social and employment services incubator project for the West Oahu region. The purpose of the project shall be to provide a one-stop center where clients can access a wide range of social and employment services which goals are to:

(1) Simplify client access to the array of services and programs currently available;
(2) Provide for a holistic approach to meeting client needs by siting complementary services and programs in clustered settings;
(3) Ensure the implementation of a coordinated client intake, assessment, referral, and routing system as designed by the service providers; and
(4) Identify gaps in the existing system with the intent of providing guidance to the State in recruiting or developing appropriate capability to provide for service delivery.

(b) The board shall review all available needs assessment studies conducted for individual communities in the West Oahu region and take an inventory of all public and private social and employment service providers in the region. The board shall use this information to:

(1) Identify current use patterns and the projected needs for social and employment services of these individual communities and the West Oahu region as a whole;
(2) Formulate a plan and select a site to provide a coordinated and accessible social and employment service delivery system by the clustering of providers in a shared facility;
(3) Develop an integrated semi-centralized intake and referral protocol for the movement of clients through the coordinated delivery system;
(4) Develop formats for, and negotiate, memoranda of agreement and other legal agreements to be executed by providers electing to participate in the system and locate their services in a shared facility site;
(5) Submit a report of its findings and recommendations to the governor and the legislature; and

(6) Oversee the initial implementation of the coordinated service delivery system

(c) The board shall hold public information meetings in the communities adjacent to the Kapolei site to invite the participation of the residents and businesses in those areas and obtain their input regarding the needs for social and employment services

SECTION 5 Prior to the convening of the 1991 regular session, the social and employment service incubator project board shall submit a report of its findings and recommendations to the governor and the legislature The report shall include but not be limited to

(1) A summary of the needs assessment data and the inventory of current services in the West Oahu region,
(2) Recommendations for the social and employment services required to meet projected needs in Kapolei,
(3) An implementation plan for the coordinated delivery of the needed services and for the location of the service providers in a shared facility,
(4) A projected budget for the expenditures required of the State to implement the project,
(5) Proposals for legislation necessary to facilitate the implementation of the project, and
(6) Recommendations regarding the continuance of the social and employment service incubator project and the board to plan and implement projects for other master-planned communities in the State in the process of development

SECTION 6 There is appropriated out of the general revenues of the State of Hawaii the sum of $98,606, or so much thereof as may be necessary for fiscal year 1990-1991, to cover the expenses of the board and project established in this Act, including the hiring of necessary staff

SECTION 7 The sum appropriated shall be expended by the department of labor and industrial relations for the purposes of this Act

SECTION 8 This Act shall take effect upon its approval, provided that section 6 shall take effect on July 1, 1990

(Approved July 9 1990)

ACT 326 H B NO 2280

A Bill for an Act Relating to Perinatal Care

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that all babies deserve a healthy start in life However, every year in Hawaii, the lives of dozens of high risk babies are lost, because they lacked proper care during pregnancy Many of them have low birth weights and sometimes weigh as little as one and one-half pounds These tiny babies utilize extensive high technology procedures as they fight for their lives Despite the use of this technology, many ultimately die or suffer irreversible

aftereffects such as blindness, mental retardation, cerebral palsy, and developmental and learning disabilities.

The legislature finds that our nation as a whole has high rates of infant mortality and illness as well as higher incidences of low birth weight infants, when compared to other industrialized nations. The United States ranks sixteenth among industrialized nations in producing infants of low birth weights and ranks nineteenth in neonatal mortality. Hawaii ranks well within the United States but still has room for improvement, especially for low-income, native Hawaiian, rural, and immigrant populations.

The accessibility and affordability of quality perinatal care has been identified as major factors in reducing the number of low birth weight infants and their concomitant illnesses, disabilities, and deaths. The Institute of Medicine has concluded that for every dollar spent on prenatal care for high- risk women, $3.38 would be saved from the total cost of caring for low birth weight infants. The Children's Defense Fund has calculated that the average cost of intensive care for each low birth weight baby ranges from $10,000 to $15,000, while the average cost for comprehensive prenatal care is only $600.

These and many other similar statistics amply demonstrate the importance of perinatal care. Not only is money saved, but the inevitable problems and suffering of low birth weight babies and their families are drastically reduced.

An investment in perinatal care contributes to the growth of a healthy and productive society and is a sound approach to containing the soaring costs of care for low birth weight babies.

The purpose of this Act is to promote the optimal health of pregnant women and ensure the best outcomes for all births by:

(1) Facilitating access to perinatal care;
(2) Providing incentives for pregnant women to use perinatal care;
(3) Establishing a demonstration project to provide comprehensive perinatal services to any area in the State which has a demonstrated need for these services;
(4) Increasing the medicaid reimbursement for deliveries to encourage physicians and certified nurse-midwives to promote early pregnancy care; and
(5) Supplementing the federally funded Women, Infants, and Children (WIC) program to provide increased aid for pregnant and breastfeeding women.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $1,800,000 or 0.070 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. There is established in the department of health a perinatal hotline service to act as a referral and resource for pregnant women and women of child-bearing age to inform them about the value and importance of early prenatal care and to help them to access perinatal services.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of $75,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the perinatal care hotline.

The sum appropriated shall be expended by the department of health for the purposes of this Act

SECTION 5 There is established in the department of health a three-year maternal care incentives demonstration project to provide incentives to pregnant women to seek prenatal care at the earliest stages of pregnancy The project shall develop incentives to allow participants to receive maternal and infant supplies at little or no cost

SECTION 6 There is appropriated out of the general revenues of the State of Hawaii the sum of $75,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the maternal care incentives demonstration project

The sum appropriated shall be expended by the department of health for the purposes of this Act

SECTION 7 There is established in the department of health a three-year comprehensive perinatal care in needy areas demonstration project to provide.

(1) At least three demonstration programs for comprehensive perinatal services, and
(2) Reimbursement for comprehensive services for low-income or high-risk pregnancies, including nutrition education, health education, psychosocial services, and the provision of perinatal vitamins and minerals

SECTION 8 There is appropriated out of the general revenues of the State of Hawaii the sum of $350,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the comprehensive perinatal care in needy areas demonstration project

The sum appropriated shall be expended by the department of health for the purposes of this Act

SECTION 9 There is established in the department of human services a three-year medicaid patient delivery supplement demonstration project to provide flat rate medicaid reimbursements to physicians and certified nurse-midwives for perinatal care (on a per vaginal birth or caesarean section basis) at the prevailing reimbursement rates in the State, and to encourage physicians and certified nurse-midwives to accept and promote early pregnancy care for medicaid patients The project shall be conducted by the department of human services for the fiscal years 1990-1991 to 1992-1993

The department shall

(1) Monitor and evaluate the demonstration project,
(2) Submit a status report on its findings to the legislature not later than twenty days prior to the convening of the regular sessions of 1991, 1992, and 1993, and
(3) Submit a final report on its findings to the legislature not later than twenty days prior to the convening of the regular session of 1994

The status and final reports shall include, but not be limited to, an assessment and evaluation of the demonstration project's impact on the number of providers accepting and promoting early pregnancy care for medicaid patients as well as the project's impact on the birth outcomes for these patients

SECTION 10 There is appropriated out of the general revenues of the State of Hawaii the sum of $1,250,000, or so much thereof as may be necessary

for fiscal year 1990-1991, for the medicaid patient delivery supplement demonstration project.

The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 11. The department of health shall establish adjunctive eligibility for the federally funded WIC program so that:

(1) All women receiving medicaid assistance are automatically considered income eligible for the WIC program; and

(2) Members of families in which a pregnant woman or infant receives medicaid assistance are considered automatically income eligible for the WIC program.

This action will enable pregnant women to obtain adequate food and nutrition during pregnancy, which will contribute to higher birth weight babies with fewer medical problems.

SECTION 12. There is appropriated out of the general revenues of the State of Hawaii the sum of $50,000, or so much thereof as may be necessary for fiscal year 1990-1991, to expand eligibility under the WIC program.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 13. Chapter 324, Hawaii Revised Statutes, is amended as follows:

1. By amending section 324-1 to read:

"**§324-1 Sources of information protected.** Any person, hospital, sanitorium, nursing or rest home, or other similar medical facility may provide information, interviews, reports, statements, memoranda, or other data or material relating to the condition and treatment of any person to the maternal and perinatal mortality study committee of the Hawaii Medical Association [or], any in-hospital staff committee, or the department of health, to be used in the course of any study for the purpose of reducing morbidity or mortality.

No liability of any kind or character for damages or other relief shall arise or be enforced against any person or organization by reason of having provided the information or material, or by reason of having released or published the findings, conclusions, and summaries of the research or study committees to advance medical research and medical education."

2. By amending section 324-2 to read:

"**§324-2 Identification of persons studied; restriction.** The maternal and perinatal mortality study committee of the Hawaii Medical Association, the department of health, or any in- hospital staff committee shall use or publish [said] this material only for the purpose of advancing medical research, medical education, or education of the public in the interest of reducing morbidity or mortality. In all events, the identity, or any group of facts which tends to lead to the identity, of any person whose condition or treatment has been studied shall be confidential and shall not be revealed under any circumstances."

SECTION 14. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 15 This Act shall take effect on July 1, 1990

(Approved July 9 1990)

ACT 327 H B NO 69

A Bill for an Act Relating to Child Care

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that early intervention services for infants and toddlers with special needs are crucial to their long-term well-being Support services are also critical to families of infants and toddlers with special needs to minimize the impact of prematurity, severe health problems, developmental delays, and handicapping conditions The expansion of diagnostic services is needed to better serve these families and to provide community-based, family-centered care There is a need to improve public awareness of the effectiveness of early intervention and to have a "child find" effort directed at the earliest possible identification of infants and toddlers with special needs There is also a need to have a training program to prepare personnel to meet the needs of infants and toddlers with special needs

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $383,321, or 0 015 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 3 There is appropriated out of the general revenues of the State of Hawaii the sum of $383,321, or so much thereof as may be necessary for fiscal year 1990-1991, for the "Zero-to-Three" Hawaii project to develop

(1) Community-based, family-centered diagnostic services,
(2) A public awareness and "child find" effort, and
(3) A training program for personnel working with infants and toddlers with special needs and their families

SECTION 4 The sum appropriated shall be expended by the department of health for the purposes of this Act

SECTION 5 This Act shall take effect on July 1, 1990

(Approved July 9 1990)

ACT 328 H.B. NO. 3355

A Bill for an Act Relating to Protective Services.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to appropriate funds to the department of human services and the judiciary to enable these agencies to develop an array of community-based prevention, training, support, and treatment programs in relation to foster care.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $633,000, or 0.025 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $200,000, or so much thereof as may be necessary for fiscal year 1990-1991, to develop an array of community-based prevention and treatment services and to increase activities to prevent the placement of children in foster care. The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of $128,520, or so much thereof as may be necessary for fiscal year 1990-1991, to recruit, train, prepare, and support foster parents. The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of $59,600, or so much thereof as may be necessary for fiscal year 1990-1991, to implement an independent living program for foster children. The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of $179,860, or so much thereof as may be necessary for fiscal year 1990-1991, for the hiring of two adoption specialists, including salary and benefits. The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of $65,020, or so much thereof as may be necessary for fiscal year 1990-1991, for paralegal support services, including personnel, supplies, equipment and office space, to assist social workers statewide. The sum appropriated shall be expended by the department of the attorney general for the purposes of this Act.

SECTION 8 This Act shall take effect on July 1, 1990

(Approved July 9 1990)

ACT 329 H B NO 2281

A Bill for an Act Relating to Family Support Centers

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that families and family structures have changed dramatically in Hawaii, and many families are suffering because of the stresses and strains of economic demands

Hawaii has the nation's highest proportion of women in the labor force and future projections show that by the year 2020, two-thirds of those entering the labor force will be women, of which 84 per cent will be of child-bearing age Additionally, nearly 29,000 single-parent households in Hawaii are headed by females, with approximately twenty-eight per cent of these below the poverty line

The legislature finds that many of these families are at high risk of becoming fragmented and dysfunctional, and a substantial number will continue to be trapped in a cycle of poverty unless existing support systems designed to intervene and assist them in times of need are vastly improved

Under our present system of services to families, families are required to be in trouble or dysfunctional before they can become eligible to receive services and assistance Furthermore, once families do become eligible to receive services, they too frequently are treated with little understanding and compassion and all too often are placed in uncomfortable settings at stressful times where they are required to fill out complex forms with little assistance

The legislature further finds that in order to reach out to families and successfully assist them, support services should be coordinated and provided in a community-based setting These community-based centers should be responsive to and involved with the communities in which they are located to the extent that the communities feel a strong sense of ownership of and identification with the centers In addition, the overall atmosphere of the facility, as well as the attitude of the staff, should project compassion, understanding, friendliness, and patience

The purpose of this Act is to establish a family support center demonstration project, with a family support center to be located on the island of Oahu, to demonstrate the effectiveness of the community-based family support center concept and to test different models of service delivery

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $550,000 or 0 022 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the need provided for by this Act

SECTION 3 (a) There is established a two-year demonstration project, known as the family support center demonstration project, to be conducted by

the department of human services. Under this project, the department shall be responsible for the planning, implementation, and establishment of a family support center.

For the purpose of this Act, "family" means the family as an enduring personal support system with the functions of nurturing, caring for, and educating children, youths, adults, and the elderly.

(b) There is established the family support center council for the purpose of planning and implementing the establishment and development of a family support center. The council shall be appointed by the governor and consist of representatives from the public and private sectors of the community.

(c) The purpose of the family support center demonstration project shall be to coordinate the provision of core services to families at a community-based center in order to develop the community's capacity to identify and resolve its problems. The center shall be responsive to its community and involve its participants as equal partners in program development and execution. Accordingly, the center shall be governed by a community family support center board which shall be composed of community members.

The family support center shall offer an array of services tailored to the specific needs of its constituents. Services shall be developed pursuant to family support principles which direct that services must:

(1) Be offered at convenient times in accessible locations;
(2) Build on strengths, rather than search for deficits;
(3) Involve participants and the community in planning and implementation;
(4) Show respect for participants;
(5) Serve the best interests of children;
(6) Strengthen families; and
(7) Be presented in coordination with other agencies and services in the community.

No single service shall overshadow the others, and services shall be provided in a coordinated manner. Because some services will be provided directly by the center and other services will be provided by other agencies, the center, with input from parent constituents, shall develop a service plan, using a systems management approach, for the provision of services. The staff of the center shall be responsible for ensuring that all components of the service plan are carried out. This may require interventions on the part of the staff, including but not limited to: accompanying parents to appointments with other agencies; advocating on behalf of parents; reminding parents of appointments with other agencies; and providing short-term counseling to parents concerning referrals for services.

The family support center shall consider the following services, activities, and components when developing its core services:

(1) Enhancement of parenting skills;
(2) Infant and child stimulation activities to maximize child growth and development;
(3) Outreach services targeted at community organizations, families, youth, and others to ensure community awareness, acceptance, and participation;
(4) Health care, family planning, counseling, and other services to avoid unwanted pregnancies;
(5) Assessment and treatment planning for developmental problems of the parent or the child;
(6) Temporary developmental child care for the offspring of parents receiving services on-site;

(7) Peer support activities, including recreational and social activities,
(8) Educational services, such as post-high school classes and instruction to those attempting to earn general equivalency diplomas, and
(9) Job preparation and skill development services to assist young parents in preparing, securing, and maintaining employment

(d) After conferring with the family support center council, the director of the department of human services may

(1) Enter into agreements with the federal government, other state departments and agencies, and the counties,
(2) Enter into assistance agreements with private persons, groups, institutions, or corporations;
(3) Purchase services required or appropriate under this Act from any private persons, groups, institutions, or corporations,
(4) Allocate and expend any resources available for the purposes of this Act, and
(5) Do all things necessary to accomplish the purposes and provisions of this Act

(e) An evaluation component shall be required for the family support center, which includes, but is not limited to, the following areas:

(1) Descriptive data on client status,
(2) Program utilization data,
(3) Profiles of participants,
(4) Intervention plans, and
(5) Participant and community satisfaction ratings.

The department of human services may utilize a portion of the funds appropriated by this Act to conduct evaluations of the family support center.

SECTION 4 The department of human services shall monitor and evaluate the demonstration project and shall submit a status report on its findings to the legislature at least twenty days prior to the convening of the regular sessions of 1991 and 1992, and a final report on its findings to the legislature at least twenty days prior to the convening of the regular session of 1993 Status and final reports shall include but not be limited to

(1) A descriptive summary of the operation of the family support center, including the services provided and a copy of the service plan developed by the center, the number of recipients of services at the center, the allocation of funds, staffing information, and the role and responsibility of the community family support center board,
(2) An assessment of the impact of the center upon the community served,
(3) The composition and role of the family support center;
(4) Recommendations regarding the continuance of the family support center demonstration project and plans for the implementation of other project sites,
(5) Recommendations regarding the process by which family support centers are allocated resources,
(6) A projected budget for the expenditures required to continue or to expand the demonstration project, and
(7) Proposals for legislation necessary to facilitate the continuation or expansion of the demonstration project.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of $350,000 or so much thereof as may be necessary for

fiscal year 1990-1991, for the establishment of a family support center demonstration site, including the hiring of necessary staff.

The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 6. As part of the family support center demonstration project, two family literacy programs shall be established for the purpose of addressing the family's need for educational, vocational, and parenting training. The family literacy program shall focus on learning sessions for preschool-aged children and their parents. During these sessions, the children shall receive preschool education while their parents shall receive education focusing on parenting skills; traditional subjects, such as reading, language, and mathematics; and vocational training.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of $200,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the establishment of two family literacy programs, including the hiring of necessary staff.

The sum appropriated shall be expended by the office of children and youth for the purposes of this Act.

SECTION 8. This Act shall take effect upon its approval; provided that sections 5 and 7 shall take effect on July 1, 1990.

(Approved July 9, 1990.)

ACT 330 H.B. NO. 3385

A Bill for an Act Relating to Literacy.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that 154,000 adults in the State of Hawaii are functionally illiterate, constituting 19 per cent of the State's adult population. This problem has significant impacts on the social and economic fabric of our society. Many public and private agencies throughout the State, in conjunction with the governor's council for literacy and the office of children and youth, are establishing programs to address the literacy problem; however, a well-coordinated effort is needed to effectively address the literacy problem in targeted areas.

Although a number of coalitions in the various counties have been formed, an outreach specialist is needed to improve the coordination and effectiveness of their efforts. While literacy services are more readily available in heavily populated areas of the State, such services are less accessible to those who live in rural areas where there is a higher incidence of functional illiteracy.

The purpose of this Act is to assist the pilot outreach program of the office of children and youth by providing for a program development outreach specialist to serve the literacy needs of the people of the State of Hawaii. The program development outreach specialist shall work with existing coalitions to identify needs, with an emphasis on extending services to the rural areas, investigate potential program sites in those areas, and coordinate and consolidate the efforts of the coalitions in the counties.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $50,000 or 0.0020 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act

SECTION 3 There is appropriated out of the general revenues of the State of Hawaii the sum of $50,000, or so much thereof as may be necessary for fiscal year 1990-1991, to establish a program development outreach specialist position for the pilot outreach program of the office of children and youth.

SECTION 4 The sum appropriated shall be expended by the office of children and youth for the purposes of this Act

SECTION 5 This Act shall take effect on July 1, 1990

(Approved July 9, 1990)

ACT 331 H.B. NO. 2645

A Bill for an Act Making an Appropriation for Educational Programs for Families of Mentally Ill Persons.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $68,880, or 0 0027 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of $68,880, or so much thereof as may be necessary for fiscal year 1990-1991, to educate families of mentally ill persons, in order to assist them to understand and provide for mentally ill family members.

SECTION 3 The sum appropriated shall be expended by the department of health, in consultation with the Hawaii State Alliance for the Mentally Ill and the Oahu Alliance for the Mentally Ill for the purposes of this Act

SECTION 4 This Act shall take effect on July 1, 1990.

(Approved July 9, 1990)

ACT 332 H.B. NO. 2985

A Bill for an Act Making an Appropriation for Mental Health Services.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $1,500,000 or 0.059 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of $750,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the lease or acquisition or plans, design, and construction of a multi-purpose center, including equipment and furnishings, for the leeward Oahu community mental health center, and the sum of $750,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the lease or acquisition or plans, design, and construction of a multipurpose center, including equipment and furnishings, and the expansion of the Lanakila health center for mental health services for Kalihi-Palama on Oahu. Both centers shall act as multi-use, drop-in centers for seriously disabled mentally ill clients serviced by the community mental health centers for the leeward Oahu and Kalihi-Palama service areas. The department of health is authorized to delegate to other state or county agencies the lease or acquisition of facilities, equipment, and furnishings, and acquisition of land, design, and construction of such projects when it is determined by the department that it is advantageous to do so.

SECTION 3. The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 1990.

(Approved July 9, 1990.)

ACT 333 S.B. NO. 3142

A Bill for an Act Relating to University of Hawaii Minority Students: Hawaii Opportunity Program in Education (HOPE).

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The disadvantaged position of certain groups in the State and nation in terms of socio-economic and educational status is a public policy concern. As a group, Hawaiians, Filipinos, Samoans, and certain other ethnic groups in the State rank the lowest in socioeconomic (occupational status and income) and education (test scores and graduation rates at the University of Hawaii and the department of education, and representation at the University of Hawaii) indicators. These groups comprise a large segment of the community

and of the schools and are among the fastest growing groups in the State due to their young average age, and birth and migration patterns

There is an urgent need to address the needs of these groups particularly as they relate to education The cost to the State of not addressing the educational needs of students from these groups could include lost income and tax revenues, increased demands for social services, a workforce increasingly unable to handle complex technology, increased criminal activity, and lower voter participation Without focused efforts and attention to education, individuals from these groups and the groups as a whole are less likely to have productive roles in our larger society

The purpose of this Act is to motivate undereducated students from these groups to further their education by eliminating financial barriers which would otherwise prevent qualified students from attending the University of Hawaii The special fund established by this Act will provide these students with the tangible means to offset their groups' present underrepresentation at the University of Hawaii and in the activities of our mainstream community

SECTION 2 Chapter 304, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows

"**§304- Hawaii opportunity program in education.** (a) There is created in the treasury of the State, the Hawaii opportunity program in education (HOPE) special fund Expenditures from the HOPE special fund shall be limited to

(1) Providing funds to award scholarships for the University of Hawaii to financially needy students with priority given to students from ethnic groups which are underrepresented in the student population of the University of Hawaii, and

(2) Pay all costs incident to the prudent investment of the principal and income deposited in the special fund

Appropriations or authorizations from the HOPE special fund shall be expended by the University of Hawaii

(b) The special fund shall be administered by the director of finance who shall also be responsible for investing the principal and income deposited therein in accordance with the provisions of chapters 36 and 38 or, at the director's discretion, in the same manner as the trustees of the employees retirement system of the State are permitted to invest the funds in their custody and control under sections 88-119, 88-119 5, 88-121, and 88-121 5 The director may pay a reasonable amount to any person for servicing and handling mortgages which the director may purchase or for supplying investment advisory or consultative services, and to meet other costs incident to the prudent investment of the special fund

(c) Scholarship awards for the University of Hawaii, funded by sums from the HOPE special fund, shall be made beginning in the fiscal year 2001, in accordance with rules adopted by the board of regents pursuant to chapter 91 The rules shall include criteria for determining underrepresentation of particular groups in the student population of the university and financial need Scholarship awards shall be made from appropriations or authorizations from the HOPE special fund, and only earnings from the investment of principal and income on deposit in the special fund received after June 30, 2000 shall be available for such appropriations or authorizations The total sum appropriated or authorized for scholarship awards in any fiscal year shall not exceed ten per cent of the amount deposited in the special fund on June 30, 2000, and in no event shall the total sum appropriated or authorized out of the special fund for scholarship awards in any fiscal year cause the amount deposited in the HOPE

special fund to be less than the amount on deposit in the special fund on June 30, 2000."

SECTION 3. Section 304-8, Hawaii Revised Statutes, is amended to read as follows:

"**§304-8 Appropriations; accounts; reports.** Moneys appropriated by the legislature for the university shall be payable by the director of finance, upon vouchers approved by the board of regents or by any officer elected or appointed by the board under section 304-4 and authorized by the board to approve such vouchers on behalf of the board. All moneys received by or [in] on behalf of the board of the university shall be deposited with the director of finance, except that any moneys received from the federal government or from private contributions shall be deposited and accounted for in accordance with conditions established by the agencies or persons from whom the moneys are received and except that with the concurrence of the director of finance, moneys received from the federal government for research, training, and other related purposes of a transitory nature and moneys in trust or revolving funds administered by the university may be deposited in depositories other than the state treasury. Income from fees for tuition and similar charges against students and income derived from sale of goods or services shall be deposited to the credit of the general fund of the State; provided that income from university projects as defined and described in sections 306-1 to 306-12, may be credited to special or other funds; provided further that in each fiscal year from 1990-1991 through 1999-2000, at least the first $1,000,000 of tuition collected by the university shall be deposited in the state treasury to the credit of the Hawaii opportunity program for education special fund; and provided further that upon the recommendation of the director of finance, the comptroller may establish such other separate accounts or special funds for other designated revenues as may be deemed in the best interests of the university and the State. The university shall also actively seek private participation in the HOPE program.

The university shall annually provide the legislature at least twenty days prior to the convening of the regular session with an itemized account of the income to and the expenditure from each university special and revolving fund during the previous fiscal year."

SECTION 4. The Hawaii opportunity program in education shall be comprised of a two-faceted plan of action. First, the University of Hawaii shall develop a plan to address the present and future needs of underrepresented minority students at the university. Second, the university, in consultation with the department of education, shall establish a comprehensive plan which will describe in detail, but not be limited to, the following:

(1) Criteria for students to be identified for this program;
(2) Methods to closely and conscientiously monitor the progress of students;
(3) Methods and means of mentoring students and other supportive activities of the program; and
(4) An outline of regularly scheduled enrichment activities which will be incorporated into the program.

The university shall present its plan of action to the legislature twenty days prior to the convening of the 1991 regular session.

SECTION 5. New statutory material is underscored.[1]

SECTION 6 This Act shall take effect on July 1, 1990

(Approved July 9 1990)

Note

1 Edited pursuant to HRS §23G 16 5

ACT 334 H B NO 2299

A Bill for an Act Relating to an After-School Program

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that State resources must be committed to address the urgent need for after-school care through the establishment of an after-school program administered by the public school system Program objectives include the following

(1) Providing affordable after-school supervision for children in a stimulating and caring environment,
(2) Reinforcing and expanding learning experiences of children by providing a spectrum of opportunities and activities, including homework help, reading, tutorial assistance, enrichment in areas such as arts, crafts, and expressive arts and access to school libraries and classrooms,
(3) Improving the physical development of children by providing supervised recreational, sports, and fitness activities,
(4) Increasing the utilization of school facilities, and
(5) Enhancing the relationship between home and school by collaboratively meeting the needs of children

This statewide program, to be known as the "after-school plus program" or "A+ program," will make affordable after-school supervision available to kindergarten through grade six children through the department of education

The legislature finds that the after-school program developed by the department of education as a pilot program may be an appropriate means of addressing the problems of latchkey children and a distracted work force The pilot A+ program should be implemented to test not only its feasibility as an after-school program of limited participation but also as a model for broader based after-school activities Further, its implementation will allow the State to determine how a state-subsidized after-school program may support, enhance, and even complement existing privately operated after-school programs which presently are available but affordable only to a limited segment of our community

The purpose of this Act is to establish a statewide pilot after-school program in the public schools to provide affordable and quality after-school supervision for students enrolled in kindergarten through grade six who would otherwise be without the supervision of an adult after the end of the instructional school day

SECTION 2 In accordance with Section 9, Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $15,668,860, or 0 61 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are

necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 3. The pilot program is a voluntary pilot program and not part of the compulsory educational services provided by the State. The pilot program is supplemental to the regular school program, and until it is evaluated and expanded, it may limit its participant eligibility and shall be budgeted separately from the regular educational program.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of $15,668,860, or so much thereof as may be necessary for fiscal year 1990-1991, to implement the pilot after-school program known as the A+ program, as developed by the department of education. The sum appropriated shall be expended by the department of education solely and only to implement the pilot A+ program; provided that student eligibility for and continued enrollment in the program shall be determined in accordance with the criteria set forth in this Act; and provided further that the program shall be operated in accordance with the standards and procedures set forth in this Act; and provided further that in the event that appropriate federal funds become available to the department of education after the effective date of this Act, the department shall utilize such federal funds for the A+ program.

SECTION 5. Participation in the pilot A+ program shall be limited to public elementary school students enrolled in kindergarten through grade six who:

(1) Come from households headed by a single working parent or guardian or two working parents or guardians;
(2) Are children of persons who work in the pilot A+ program;
(3) Are children of parents who attend school or job training for career development; or
(4) Are recommended by the school on the basis of educational need, subject to available resources.

If the pilot A+ program or space is not available at the school the students attend, eligible students may enroll in a pilot A+ program at a different site, but the parent or parents of the student must arrange and pay for transportation to and from that program site.

SECTION 6. The pilot A+ program shall operate from the first full school day through the last full school day of the 1990-1991 school year, on each regular school day from the close of the regular school day until 5:30 p.m., or until a time determined by the individual school. The pilot A+ program shall not operate during public school vacation periods, holidays, teacher institute day, or on any regular public school half day. Students, including those exempt from payment of the monthly fee, may be assessed a $5 late pick-up fee for every fifteen-minute interval after the official daily closing time that a child is picked up late.

Students may be precluded from continued participation in the pilot A+ program for failure to pay the monthly nonrefundable fee, chronic late pick-ups, or conduct which disrupts the pilot program's activities or jeopardizes the safety or welfare of the pilot A+ program's staff or participants. The site coordinator at each school shall meet with the students and parents of students whose continued participation in the pilot A+ program may be questionable, to apprise them of the problems which may result in termination, and to afford them a reasonable time in which to take corrective action.

SECTION 7 The department of education may hire staff on a part-time basis, exempt from chapters 76 and 77 as may be necessary for carrying out the purposes of this pilot A+ program The department of education may request criminal history record clearance of pilot A+ program staff through the Hawaii criminal justice data center and from other state or national criminal data files

SECTION 8 Each respective school shall have the option to administer the pilot A+ program directly or to subcontract for services with a private entity, provided that any privately contracted services shall be substantially equivalent to or better in quality than those which are provided by other pilot A+ programs

The procedures for contracting for private services shall be established by the department of education

The monthly fees charged by the private provider shall be the same as charged by other pilot A+ programs The private provider shall be reimbursed by the department of education on a monthly basis at a rate not to exceed the per pupil costs of pilot A+ programs at other department of education operated sites, after discounting for monthly fees collected from each appropriate pupil The school shall provide the private contractor with appropriate school facilities at no cost

Nothing shall restrict the private provider from providing before-school, vacation care, transportation, or other extra services at an additional fee

SECTION 9 Students who qualify for the school free or reduced-price lunch program shall be exempt from pilot A+ program fees Other students shall pay a nonrefundable fee of $25 each month in advance

SECTION 10 The pilot A+ program is encouraged to make optimum use of the educational facilities and resources that are available at the sites and are not in conflict with the goals and objectives of the department of education's regular education and after-school instructional programs Notwithstanding any other law to the contrary, moneys appropriated to the department of education for other educational programs shall not be transferred to augment the appropriation for the pilot A+ program

SECTION 11 No budget restrictions shall be made to the pilot A+ program except after public informational meetings are conducted by the board of education

SECTION 12 The department of education shall evaluate the pilot A+ program to assess its effect on, among other things

(1) Student growth and development, both academic and personal,
(2) Functioning of the regular school program and
(3) The morale workload, and effectiveness of school staff

The department of education shall prepare a report on the enrollment and costs (direct and indirect) of the pilot A+ program, and concerns and problems in the program both current and anticipated

The evaluation and report required in this section shall be transmitted to the legislature no later than twenty days prior to the convening of the regular session of 1991

SECTION 13 If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the

invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 14. This Act shall take effect upon its approval; provided that section 4 shall take effect on July 1, 1990.

(Approved July 9, 1990.)

ACT 335 H.B. NO. 3098

A Bill for an Act Making an Appropriation for Tourism Training.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that increased visitor industry activity on Oahu, especially with the ongoing development of the Ko Olina resort near Waianae, will dramatically increase the need for workers in an industry that is already experiencing an urgent labor shortage. The legislature finds also that Hawaii's labor-short environment makes it imperative that all employable persons be immediately sought out and trained to help meet the needs of an industry that directly and indirectly accounts for one out of every three jobs in the State. The future success of Hawaii's visitor industry will depend largely on the productivity of the youth of the State.

The legislature finds that there are higher proportions of at-risk and disoriented teenagers in Kalihi and Waipahu than in other areas, and that these teenagers are in need of career guidance and transition services to help them develop meaningful personal goals and become productive members of the State's work force. The legislature finds also that adult visitor industry educational and training programs, such as those funded by the legislature in 1988 and 1989, can realize substantial benefits from activities that involve teenagers in high school visitor industry education and training courses. For example, recent efforts have been made by teachers at Waipahu high school to develop visitor industry practicums to introduce high school students, through interdisciplinary course work and on-the-job training, to employers who have teamed up with the school in this exciting venture.

The legislature finds that Wallace Rider Farrington high school is also interested in developing similar practicums. The school's transition center and strong Japanese language program are viewed as being major components of the proposed visitor industry practicums. These practicums will involve the integration of academic skills and vocational education skills, examples of which include the integration of: the English language and business education skills; science and horticulture; and Hawaiiana and the Japanese language. The legislature fully expects that these practicums will enable high school graduates to enter the visitor industry work force or continue on to higher levels of education and training.

The legislature declares that there is no greater public purpose for which moneys can be expended than to help the youth of Hawaii to become productive members of society by giving them the chance to acquire the skills, knowledge, and abilities that will enable them to find well paying and personally satisfying jobs.

The purpose of this Act is to establish a pilot program to develop visitor industry practicum courses to meet the critical labor and economic needs of the State.

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990 to 1991 to be exceeded by $33,000, or 0 0013 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act

SECTION 3 There is established a two-year pilot program within the department of labor and industrial relations for administrative purposes, to develop visitor industry practicum courses at Wallace Rider Farrington high school and Waipahu high school. The tourism training council of the department of labor and industrial relations shall submit interim reports to the legislature on the status of the pilot program at least twenty days prior to the convening of the regular sessions of 1991 and 1992 The council shall submit a final report to the legislature on the findings and recommendations of the pilot program at least twenty days prior to the convening of the regular session of 1993 The report shall include, but not be limited to, recommended changes to the pilot program and the advisability of continuing the pilot program

SECTION 4 There is appropriated out of the general revenues of the State of Hawaii the sum of $33,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the department of labor and industrial relations to establish a two-year pilot program at Wallace Rider Farrington high school and Waipahu high school to develop visitor industry practicum courses

SECTION 5 The sum appropriated shall be expended by the department of labor and industrial relations for the purposes of this Act; provided that for the purposes of this Act, the tourism training council of the department of labor and industrial relations shall be responsible for planning and administering the pilot program in conjunction with other state agencies

SECTION 6 This Act shall take effect on July 1, 1990.

(Approved July 9, 1990)

ACT 336 S B NO 2596

A Bill for an Act Making an Appropriation for Coaches.

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 Physical education and sports activities are an integral part of the education program offered to students in the public schools. Students who otherwise might drop out of school can be motivated to continue their education through their involvement in athletics Involvement in athletic programs also helps to build self-esteem in students, teaches important values such as perseverance, teamwork, and sportsmanship, and promotes positive interpersonal relationships

Most coaches are involved in athletics because of their concern for and commitment to student-athletes, not because of compensation. The long hours coaches must work to maintain the proper perspective of athletic programs in the

schools when compared to the present compensation levels attest to the dedication of the coaches. Still, these individuals deserve compensation which is more reflective of their time and efforts.

A department of education task force has reviewed, among other matters, the matter of compensation for coaches, and determined that additional amounts are necessary to provide adequate compensation. Currently, $1,600,000 is budgeted for supplemental pay for coaches, which would afford them compensation of between $1,397 per year at the high end and $357 per year for an assistant coach of a girl's junior varsity team.

The purpose of this Act is to appropriate the funds necessary for the compensation package devised by the department of education task force.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $1,000,000, or 0.039 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $1,000,000, or so much thereof as may be necessary for fiscal year 1990-1991, to increase the compensation of coaches.

SECTION 4. The sum appropriated shall be expended by the department of education for the purposes of this Act. The department of education and the exclusive representative for unit 5 shall jointly determine the distribution of the sum appropriated in accordance with chapter 89, Hawaii Revised Statutes, and the collective bargaining agreement between the board of education and the exclusive representative for unit 5.

SECTION 5. Notwithstanding section 89-10, Hawaii Revised Statutes, the sum appropriated by this Act shall be available to pay increased compensation to coaches upon agreement to and ratification of any necessary amendments to the collective bargaining agreement between the board of education and the exclusive representative for unit 5, without the need for further submissions to or approval by the legislature or the governor.

SECTION 6. This Act shall take effect on July 1, 1990.

(Approved July 9, 1990.)

ACT 337 S.B. NO. 2604

A Bill for an Act Establishing a Commission to Celebrate the Year of the Family.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that, in order for society to function and grow as a positive and cohesive force, there must be a starting point from which this must occur. In all cultures and in all ages, a strong family unit has been the foundation upon which all great societies have developed. In an era where the

ever increasing strains of a growing society have escalated the need to recognize the importance and necessity of a strong family unit, the legislature finds that a celebration to honor the importance of the family and to sustain and nurture family life is appropriate To this end, the legislature designates the year 1992 as the year of the family

The purpose of this Act is to establish a temporary year of the family celebration commission and to provide for the celebration of the year of the family

SECTION 2 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $50,000, or 0 0020 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act

SECTION 3 There is established a temporary commission to be known as the year of the family celebration commission which shall be responsible for all arrangements for the commemoration of the year of the family in Hawaii. The commission shall be placed within the office of the governor for administrative purposes and shall cease to operate after June 30, 1993

SECTION 4 The commission shall consist of fifteen members to be appointed by the governor without regard to section 26-34, Hawaii Revised Statutes Four of the members shall be representatives from the four counties, and the remaining members shall represent government, labor, business, and the community at large The governor shall designate the chair of the commission from among the appointed members The members shall not receive compensation for their services but shall be reimbursed for necessary expenses, including travel expenses, incurred in the performance of their duties under this Act

SECTION 5 The commission shall prepare an overall program to celebrate the year of the family, recognizing the importance of the family unit in the development of this State, and encouraging and fostering strong family relationships to assist families in dealing with problems that threaten family unity and stability, such as drug or alcohol abuse and gang membership The commission shall develop, plan, and coordinate the various program activities that are to be scheduled throughout the year of the celebration and shall encourage the participation of all segments of the State's population The commission shall consider any related plans and programs developed by interested private and public organizations or agencies from whose members the commission may designate special committees to plan, develop, and coordinate specific projects or activities

The commission shall submit to the governor a comprehensive report for the year of the family which shall include, but not be limited to

(1) The production, publication, and distribution of books, films, and other educational materials on the importance of the family in Hawaii.
(2) Conferences, convocations, lectures, and seminars, and
(3) Ceremonies, theatrical productions, and other special events commemorating the year of the family

SECTION 6. In fulfilling its responsibilities, the commission shall consult, cooperate with, and seek advice from appropriate organizations or agencies.

SECTION 7. There is created a trust fund to be known as the year of the family celebration trust fund which shall consist of payments made to the trust fund as provided in this Act and from all other sources. All moneys received by the commission shall be deposited by the state director of finance into the trust fund and expended by the commission for the purposes of this Act. Disbursement of those moneys shall be by state warrants issued in accordance with applicable laws and rules and shall be based on vouchers signed by the chair of the commission.

The commission may seek grants from public and private sources and may accept donations to finance the projects, programs, and activities of the year of the family celebration.

All property acquired by the commission shall be deposited for preservation in the state library system, museums, and public archives or shall otherwise be disposed of as directed by the commission.

SECTION 8. At the end of its term, the commission shall submit to the governor a final report of all its activities, including an accounting of all moneys received and disbursed.

SECTION 9. There is appropriated out of the general revenues of the State of Hawaii the sum of $50,000, or so much thereof as may be necessary for fiscal year 1990-1991, to carry out the purposes of this Act. The sum appropriated shall be expended by the office of the governor for the purposes of this Act.

SECTION 10. This Act shall take effect upon approval; provided that section 9 shall take effect on July 1, 1990.

(Approved July 9, 1990.)

ACT 338 H.B. NO. 2089

A Bill for an Act Relating to Adoption.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $100,000.00, or 0.0039 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 2. Section 338-20, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) [Such] The sealed documents[, except for the information form provided for in section 578-14.5,] may be opened by the department only by an order of a court of record[.] or when requested in accordance with section 578-

14.5 or 578-15 Upon receipt of a certified copy of a court order setting aside a decree of adoption, the department shall restore the original certificate to its original place in the files."

SECTION 3 Section 338-20 5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows

"(b) After preparation of the new certificate of birth in the new name of the adopted person, the department of health shall seal and file the certified copy of the adoptive decree, the investigatory report and recommendation of the director of [social] human services if any, the report constituting the original certificate of birth, and the request for a new certificate of birth [Such] The sealed documents may be opened by the department only by an order of a court of record[ ] or when requested in accordance with section 578-14 5 or 578-15 The new certificate of birth shall show the true or probable foreign country of birth, and that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents."

SECTION 4 Section 578-14, Hawaii Revised Statutes, is amended to read as follows

"§578-14 Record of adoption. (a) A certified copy of the decree of adoption, or a certified abstract thereof on a form approved by the department of health [shall], after [such] the decree has become effective, shall be sent to the department The department shall cause to be made a new record of the birth in the name of the individual, as fixed or changed by the decree, with the names of the adoptive parents[,] and, upon request of both adoptive parents, or the sole adoptive parent if there is only one, that the name or names of either or both of the natural parents appear on the certificate, with the name of a natural parent who consents to be named on the certificate[, and shall then cause to be]

(b) If a new birth certificate is issued, the original birth certificate shall be sealed and filed [the original birth certificate of the individual] with the decree or the abstract thereof, and [such] the sealed package shall be opened only [by order of a court of record.] as provided in section 578-15(b)

(c) If the birth of the individual occurred outside of the State[,] and a record of [such] birth exists, the certified copy of the decree or the abstract thereof, shall be transmitted by the department of health to the birth registration authorities of the place of the individual's birth with a request that [such] those authorities take appropriate action with respect to the record of the individual's birth If the birth of the individual occurred outside of the State, or if the birth of an individual born in the State has not been registered with the department of health, or if other good cause exists, the clerk of the court [shall], upon request, and with the approval of the family court, upon the finding of the court that [such] the action is for the best interests of the individual involved, shall furnish to the adoptive parents, or to the individual, or to any proper person acting in their behalf, a certified copy or abstract of the decree of adoption[,] or a certificate of adoption in [such] a form [as is] approved by the court If the parental rights of a parent or the parents of a minor child have been judicially terminated under chapter 571 prior to the entry of the decree, a certified copy of the decree shall be filed in the termination proceeding."

SECTION 5 Section 578-15, Hawaii Revised Statutes, is amended to read as follows

"**§578-15 Secrecy of proceedings and records.** (a) The records in adoption proceedings, after the petition is filed and prior to the entry of the decree, shall be open to inspection only by the parties or their attorneys, the director of human services or the director's agent, or by any proper person on a showing of good cause therefor, upon order of the court. Except in the case of an individual being adopted by a person married to the legal father or mother of [such] the individual[,] or unless authorized by the court, no petition for adoption shall set forth the name of the individual sought to be adopted or the name of either of the parents of the individual; provided that the legal name of the individual and the name of each of the individual's legal parents may be added to the petition by amendment during the course of the hearing thereof and shall be included in the decree. The hearing of the petition shall be in chambers and shall not be open to the public.

(b) Upon the entry of the decree, or upon the later effective date of the decree, or upon the dismissal or discontinuance or other final disposition of the petition, the clerk of the court shall seal all records in the proceedings; provided that upon the written request of the petitioner or petitioners, the court may waive the requirement that [such] the records be sealed. The seal shall not be broken and the records shall not be inspected by any person, including the parties to the proceedings, except [upon]:

(1) Upon order of the family court[.] upon a showing of good cause;

(2) For adoptions which occurred prior to January 1, 1991, after the adopted individual attains the age of eighteen and upon submission to the family court of a written request for inspection by the adopted individual or the adoptive parents in accordance with the following:

(A) Within thirty calendar days after receipt of a request for inspection, the family court, by registered mail with return receipt requested, shall mail to the last known address of each natural parent a notice of the request for inspection of adoption records, a copy of the request for inspection and copies of any accompanying letters, photographs, or other documents filed in support of the request. The notice shall inform the natural parent that unless an affidavit signed by the natural parent requesting confidentiality is received by the family court within sixty calendar days of the date of the notice, the natural parent will be deemed to have waived any rights of confidentiality and the records shall be subject to inspection by the adopted individual or the adoptive parent who filed the request. The notice shall also inform the natural parent that an affidavit requesting confidentiality for a period of ten years may be filed. An affidavit to be completed and signed by the natural parent to request confidentiality shall be mailed with the notice;

(B) If the family court has received a return receipt for the notice sent but an affidavit requesting confidentiality is not received by the family court within sixty calendar days of the date of the notice, the family court shall allow inspection under this section;

(C) If a notice by registered mail is undeliverable to a natural parent, the family court shall designate an agent or agency to conduct a good faith and diligent search to locate the natural parent and to provide the notice and all other documents required under subparagraph (A). The search shall extend over a period of one hundred twenty calendar days. Contacts

with natural parents by a designated agent or agency under this section shall be personal and confidential and shall not be made by mail. The family court shall provide the designated agent or agency with a copy of the request for inspection and copies of any accompanying letters, photographs, or other documents filed in support of the request, and the designated agent or agency shall present the copies to the natural parent when contacted. The family court and the designated agent or agency shall ensure that no person other than a natural parent or the agent or agency through which a natural parent obtained assistance for the adoption is informed of the adoptive individual's existence and the relationship to the natural parent.

(D) If a natural parent cannot be located after the search conducted under subparagraph (C), the family court shall allow inspection under this section.

(E) If an affidavit requesting confidentiality is received by the family court within sixty calendar days of the date of receipt of the notice provided under subparagraph (A) or (C), the family court shall not allow inspection during the effective period of the affidavit.

(F) If a ten-year affidavit is filed under subparagraph (E), the natural parent may refile affidavits every ten years thereafter to maintain confidentiality, or the natural parent may file an affidavit effective for the remainder of the natural parent's lifetime. All affidavits subsequent to the initial affidavit may be filed within ninety calendar days before the last effective day of the initial affidavit. If there is no effective affidavit on file with the family court at the time a request for inspection is received by the court, the court shall allow inspection under this paragraph.

(G) An affidavit requesting confidentiality shall be effective until the last day of the period for which the affidavit was filed, until the natural parent revokes the affidavit, or until the natural parent is deceased, whichever occurs sooner; and

(H) Where two natural parents are involved and confidentiality is waived under this paragraph by only one natural parent, the inspection of the records shall not include any identifying information concerning the other natural parent.

(3) For adoptions occurring after December 31, 1990, in accordance with the following:

(A) At the time of the placement of the adopted individual for adoption, the family court shall inform each natural parent of the procedures required under this paragraph if the natural parent desires to maintain confidentiality after the adopted individual attains the age of eighteen.

(B) Within ninety calendar days before the adopted individual attains the age of eighteen a natural parent may file an affidavit with the family court to request confidentiality and the natural parent may refile affidavits every ten years thereafter to maintain confidentiality or the natural parent may file an affidavit effective for the remainder of the natural parent's lifetime. All affidavits after the initial affidavit may be filed

within ninety calendar days before the last effective day of the initial affidavit;

(C) If a natural parent declines or fails to file an affidavit under subparagraph (B), the family court shall allow inspection of the record by the adopted individual or the adoptive parents at any time after the adopted individual has attained the age of eighteen; and

(D) Where two natural parents are involved and confidentiality is waived under this paragraph by only one parent, the inspection of the records shall not include any identifying information concerning the other natural parent;

(4) For all adoptions, regardless of date of occurrence, after the adopted individual attains the age of eighteen and upon submission to the family court of a written request for inspection by a natural parent; provided that the adopted individual shall have the same rights and obligations applicable to natural parents under paragraph (2), including rights of notice and opportunity to file affidavits requesting confidentiality.

(5) For all adoptions, regardless of date of occurrence, after the adopted individual attains the age of eighteen and upon submission of an affidavit by a natural parent consenting to the inspection of records by the adoptee or an affidavit submitted by an adoptee consenting to the inspection of records by the natural parents; provided that where only one natural parent files an affidavit for consent, the inspection of records shall not include any identifying information concerning the other natural parent;

(6) Upon request by the adopted individual or the adoptive parents for information contained in the records concerning ethnic background and necessary medical information, notwithstanding any affidavit requesting confidentiality; or

(7) Upon request by a natural parent for a copy of the original birth certificate.

(c) The clerk of the court shall keep a docket of all adoption proceedings, which may be inspected only by order of the family court."

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of $100,000.00 or so much thereof as may be necessary for fiscal year 1990-1991, for the purposes of this Act. The sum appropriated shall be expended by the judiciary for the purposes of this Act.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect on January 1, 1991.

(Approved July 9, 1990.)

ACT 339

H B NO 2789

A Bill for an Act Relating to Pensioners' Bonus

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $4,329,000, or 0 17 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the needs provided for by this Act

SECTION 2 Section 88-11, Hawaii Revised Statutes, is amended to read as follows

"**§88-11 Bonus; amounts available.** Except as herein provided, every pension payable under the employees retirement system or payable pursuant to any law of the State, or by any county or independent public board or commission, shall be increased by a bonus for each month as follows

(1) Effective July 1, 1976, $77 82 per month to those retirants and pensioners who had, before July 1, 1966, ten or more years of service, provided that any member who is retired because of physical or mental disability due to any injury or disease incurred while in the performance of the member's duty as a public employee shall be entitled to receive the bonus payment without meeting the minimum service requirement,

(2) Effective July 1, 1976, $31 12 per month additional to the above bonus to those retirants or pensioners who retired before July 1, 1945,

(3) Effective July 1, 1976, $31 12 per month additional to the above bonus or bonuses to those retirants or pensioners who have had twenty-one or more years of service

(4) Effective July 1, 1976, if the pension as increased by the bonus or bonuses does not equal $202 32 per month, the bonus shall be further increased by such sum, not in excess of $31 12, as will bring the total of the pension and bonus to $202 32 per month, provided that where the dependents of a deceased pensioner are receiving pension by reasons of the pensioner's death, the total only of all amounts paid to the dependents shall be so increased, and the increase herein shall be shared by them in proportion to the respective amount of pension receivable by them exclusive of this increase,

(5) In the case of any retirement allowance for service commencing after June 30, 1965 pursuant to paragraph (1) or (3) of section 88-74, the only bonus payable shall be in the amount by which the benefit payable under the paragraphs is less than the bonus as set forth above, provided that in no case shall a person who retires after June 30, 1965 receive less under the service and ordinary disability retirement system benefits, plus the bonus payable under this section than the person would have received if paragraph (5) had not been enacted,

(6) Any provisions of this section to the contrary notwithstanding, there shall be paid to every person who on June 30, 1965, was receiving a retirement allowance from the system or other pension payable under or pursuant to the law of the State or by any county or independent board or commission, a special cost of living bonus which shall be paid in the following manner:
   (A) On January 1, 1966, seven and one-half per cent of the retirement allowance or pension;
   (B) On July 1, 1969, an additional ten per cent of the retirement allowance or pension;
   (C) On July 1, 1970, an additional ten per cent of the retirement allowance or pension;
   (D) On July 1, 1973, an additional five and one-half per cent of the retirement allowance or pension;
   (E) On July 1, 1976, an additional eight per cent of the retirement allowance or pension;

(7) Any provision of this section to the contrary notwithstanding, there shall be paid to every person who retired between July 1, 1965, and June 30, 1970, and who, on June 30, 1974, was receiving a retirement allowance from the system or other pension payable under or pursuant to the law of the State or by any county or independent board or commission, a special cost of living bonus which shall be paid in the following manner:
   (A) On July 1, 1974, five and one-half per cent of the retirement allowance or pension;
   (B) On July 1, 1976, an additional eight per cent of the retirement allowance or pension;

(8) Any other provision to the contrary notwithstanding, effective July 1, 1980, there shall be paid to every person who retired prior to July 1, 1975, and who on June 30, 1980, was receiving a retirement allowance from the system or other pension payable under or pursuant to the law of the State or by any county or independent board or commission, a special cost of living bonus which shall be paid in the following manner:
   (A) $4.50 a month for each year of the retirant's or pensioner's credited service, if the person retired prior to July 1, 1965;
   (B) $2.50 a month for each year of the retirant's or pensioner's credited service if the person retired after June 30, 1965, but prior to July 1, 1970; and
   (C) $1.00 a month for each year of the retirant's or pensioner's credited service if the person retired after June 30, 1970, but prior to July 1, 1975;

   provided that if the retirant or pensioner had retired, returned to service, and again retired, the person's latest retirement date shall be considered as the person's date of retirement; provided further that no special cost of living bonus as provided for in this paragraph shall be paid to those retirants or pensioners who have eight or less years of credited service;

(9) Any other provision to the contrary notwithstanding, effective July 1, 1984, there shall be paid to every person who retired after June 30, 1970, but prior to July 1, 1979, and who on June 30, 1984, was receiving a retirement allowance from the system or other pension payable under or pursuant to the law of the State or by any county

or independent board or commission, a special cost of living bonus which shall be paid in the following manner

(A) $ 50 a month for each year of the retirant's or pensioner's credited service if the person retired after June 30, 1970, but prior to July 1, 1975,

(B) $1 00 a month for each year of the retirant's or pensioner's credited service if the person retired after June 30, 1975, but prior to July 1, 1979,

provided that if the retirant or pensioner had retired, returned to service, and again retired, the person's latest retirement date shall be considered as the person's date of retirement, provided further that no special cost of living bonus as provided for in this paragraph shall be paid to those retirants or pensioners who have eight or less years of credited service, and

(10) Any other provision to the contrary notwithstanding, effective July 1, 1988, there shall be paid to every person who retired prior to July 1, 1982, and who on June 30, 1988, was receiving a retirement allowance from the system or other pension payable under or pursuant to the law of the State or by any county or independent board or commission, a special cost of living bonus which shall be paid in the following manner

(A) $3 50 a month for each year of the retirant's or pensioner's credited service, if the person retired prior to July 1, 1965,

(B) $2 50 a month for each year of the retirant's or pensioner's credited service if the person retired after June 30, 1965, but prior to July 1, 1970,

(C) $1 50 a month for each year of the retirant's or pensioner's credited service if the person retired after June 30, 1970, but prior to July 1, 1975, and

(D) $1 00 a month for each year of the retirant's or pensioner's credited service if the person retired after June 30, 1975, but prior to July 1, 1982,

provided that if the retirant or pensioner had retired, returned to service and again retired, the person's latest retirement date shall be considered as the person's date of retirement, provided further that no special cost of living bonus as provided for in this paragraph shall be paid to those retirants or pensioners who have ten or less years of credited service[ ].

(11) Any other provision to the contrary notwithstanding, effective July 1, 1990, and each July 1, thereafter, bonuses shall be paid to retirants and pensioners with ten or more years of service or to their beneficiaries who are receiving a monthly benefit from the system, in accordance with this section, provided that the requirement of ten or more years of service shall not apply in the case of a person who retires with less than ten years of service because of a service connected disability, and provided further that if the retirant or pensioner is currently receiving a larger bonus than what would be payable under this section, the retirant or pensioner shall continue to receive the bonus amount received on June 30, 1990, until the retirant's or pensioner's bonus calculated under this section exceeds the June 30, 1990, bonus amount at which time the difference between the June 30, 1990, bonus and the bonus calculated under this section would be payable

The bonus amounts payable under this section shall be based upon years of retirement and shall be a cumulative amount to include all previous bonuses and shall not exceed:

(A) $1.25 for each year of the retirant's or pensioner's credited service if the retirant or pensioner has been retired a minimum of five years by July 1 in the year in which the bonus is effective;

(B) $2.50 for each year of the retirant's or pensioner's credited service if the retirant or pensioner has been retired a minimum of ten years by July 1 in the year in which the bonus is effective;

(C) $4.50 for each year of the retirant's or pensioner's credited service if the retirant or pensioner has been retired a minimum of fifteen years by July 1 in the year in which the bonus is effective;

(D) $6.00 for each year of the retirant's or pensioner's credited service if the retirant or pensioner has been retired a minimum of twenty years by July 1 in the year in which the bonus is effective;

(E) $8.75 for each year of the retirant's or pensioner's credited service if the retirant or pensioner has been retired a minimum of twenty-five years by July 1 in the year in which the bonus is effective;

(F) $10.50 for each year of the retirant's or pensioner's credited service if the retirant or pensioner has been retired a minimum of thirty years by July 1 in the year in which the bonus is effective;

(G) Any other provision to the contrary notwithstanding, any retirant or pensioner with ten or more years of service who on July 1 of the year in which the bonus is being calculated has been retired a minimum of twenty years and whose current bonus amount exceeds the maximum specified in this section, shall nevertheless receive a pension increase of $1.25 for each year of credited service.

For the purposes of this section, if the retirant or pensioner had retired, returned to service, and again retired, the latest retirement date shall be considered as the date of retirement."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $4,329,000, or so much thereof as may be necessary for fiscal year 1990-1991, to carry out the purposes of this Act. Of the sum appropriated, $4,224,000 shall be expended by the department of budget and finance and $105,000 shall be expended by the department of health.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 1990, and shall be repealed as of June 30, 1995; provided that section 88-11, Hawaii Revised Statutes, is reenacted in the form in which it read on the day before the approval of this Act.

(Approved July 9, 1990.)

ACT 340 H B NO 1631

A Bill for an Act Relating to Income Taxation

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The legislature finds that Act 180, Session Laws of Hawaii 1970, was enacted to exclude from the state income tax the first $500 received by members of the Hawaii National Guard and other reservists of the United States armed forces and Coast Guard The income exclusion has served as a valuable tool in recruiting and retaining personnel for the military reserves

The legislature further finds that there has been no increase in the original $500 amount since the income exclusion was first established in 1970 Inflation over the years have substantially eroded the benefit of the exclusion In 1970, the $500 amount effectively excluded from state income tax all of the income received by an unmarried enlisted person classified as an E-4 The $500 exclusion covers less than a third of the amount received by an E-4 today.

The all volunteer aspect of the military, in conjunction with the declining number of young people turning eighteen years of age each year, has placed an ever greater importance on the ability of the military reserve components to recruit and retain qualified people

National defense implications aside, the ability of the military reserves in Hawaii to maintain adequate levels of strength can have significant implications for the State Strength levels can affect the force structure and the types of units which can be maintained in the State This in turn affects the amount of federal defense expenditures in the State

The purpose of this Act is to increase the amount of income exclusion for members of the Hawaii National Guard and other military reserves in recognition of the value of reserve military service to our State and Nation and as an incentive for the recruitment and retention of qualified personnel

SECTION 2 Section 235-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows

"(a) There shall be excluded from gross income, adjusted gross income, and taxable income

(1) Income not subject to taxation by the State under the Constitution and laws of the United States,
(2) Rights, benefits, and other income exempted from taxation by section 88-91, having to do with the state retirement system, and the rights, benefits, and other income, comparable to the rights, benefits, and other income exempted by section 88-91, under any other public retirement system,
(3) Any compensation received in the form of a pension for past services,
(4) Compensation paid to a patient affected with Hansen's disease employed by the State or the United States in any hospital, settlement, or place for the treatment of Hansen's disease,
(5) Except as otherwise expressly provided, payments made by the United States or this State, under an act of Congress or a law of this State, which by express provision or administrative regulation or interpretation are exempt from both the normal and surtaxes of the United States, even though not so exempted by the Internal Revenue Code itself,

(6) Any income expressly exempted or excluded from the measure of the tax imposed by this chapter by any other law of the State, it being the intent of this chapter not to repeal or supersede any such express exemption or exclusion;
(7) The first [$500] $1,750 received by each member of the reserve components of the [army, navy, air force, marine corps, coast guard] Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States of America, and the Hawaii national guard as compensation for performance of duty [as such];
(8) Income derived from the operation of ships or aircraft if [such] the income is exempt under the Internal Revenue Code pursuant to the provisions of an income tax treaty or agreement entered into by and between the United States and a foreign country, provided that the tax laws of the local governments of that country reciprocally exempt from the application of all of their net income taxes, the income derived from the operation of ships or aircraft which are documented or registered under the laws of the United States;
(9) The value of legal services provided by a prepaid legal service plan to a taxpayer, the taxpayer's spouse, and the taxpayer's dependents;
(10) Amounts paid, directly or indirectly, by a prepaid legal service plan to a taxpayer as payment or reimbursement for the provision of legal services to the taxpayer, the taxpayer's spouse, and the taxpayer's dependents; and
(11) Contributions by an employer to a prepaid legal service plan for compensation (through insurance or otherwise) to the employer's employees for the costs of legal services incurred by the employer's employees, their spouses, and their dependents."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act, upon its approval, shall apply to taxable years beginning after December 31, 1989.

(Approved July 9, 1990.)

ACT 341 S.B. NO. 3039

A Bill for an Act Relating to Correctional Industries.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER
HAWAII CORRECTIONAL INDUSTRIES

§ **-1 Finding and purpose.** The legislature finds that the number and types of programs operated by the department of public safety shall be expanded to provide a comprehensive work program for inmates. The full development of

inmate employment opportunities shall be expanded to enable correctional industries programs to operate in a cost-effective manner

The purpose of this chapter is to

(1) Establish the correctional industries program to allow expanded industries programs to generate revenue to sustain its operation and allow for capital investment The program should be structured to allow for the increased involvement of correctional industries in providing specific training skills of offenders that increase their employment prospects after release,

(2) Develop industries that provide a maximum level of work for all qualified, able-bodied inmates,

(3) Provide an environment for the operation of correctional industries similar to that of a private business operation,

(4) Encourage cooperative training ventures between the correctional industries program and the private sector, and

(5) Provide for low-cost construction, renovation, and repairs of facilities for private nonprofit social service, education, and health agencies and programs

§ -2 **Definitions.** As used in this chapter, unless the context otherwise requires

"Able-bodied inmate" means a sentenced felon offender in the custody of the department of public safety who, as determined by the department, is physically and mentally able to participate in a work program or other training program authorized by this chapter

"Administrator" means the administrator of the correctional industries program

"Advisory committee" means the correctional industries advisory committee established in section -5

"Department" means the department of public safety

"Director" means the director of public safety

§ -3 **Correctional industries program.** There is established a correctional industries program within the department of public safety, under the supervision of the director and other subordinates as the director shall designate The administrator of the correctional industries program shall be appointed by the director of public safety, without regard to chapters 76 and 77

§ -4 **Powers and duties of the director.** Under the supervision of the director or the director's designee, the administrator of the correctional industries program shall

(1) Develop programs generating revenue that best sustains their operation and allows for capital investment, and reimburses the general fund, when possible, for the expense of correctional services,

(2) Develop programs providing the maximum level of work and training opportunities for qualified, able-bodied inmates,

(3) Develop programs assuming responsibility for training qualified, able-bodied inmates in general work and specific training skills that increase their employment prospects after release,

(4) Develop programs in which inmates can learn skills used in the construction industry, while providing low-cost construction, renovation, and repairs of facilities for private, nonprofit social services, health, or education agencies and programs,

(5) Acquire or purchase equipment, materials, supplies, office space, insurance, and services necessary to establish and maintain programs pursuant to this chapter;
(6) Utilize labor services of qualified, able-bodied inmates in the manufacture or production of goods and services that are needed for the construction, operation, or maintenance of any office, department, institution, or agency supported in whole or in part by the State, the counties, or the federal government;
(7) Sell all goods and services to the State, the counties, or the federal government;
(8) Enter into any contract or agreement and execute all instruments consistent with this chapter and exempt from chapter 103;
(9) Purchase, lease, trade, exchange, acquire, and maintain personal property; and
(10) Accept grants or loans from the State, the counties, or the federal government.

§ **-5 Advisory committee.** (a) There is established within the department a committee to be known as the correctional industries advisory committee. This advisory committee shall advise the department of the feasibility of establishing venture agreements with private sector businesses to utilize the services of qualified, able-bodied inmates pursuant to section -13.

(b) The advisory committee shall consist of seven members who shall be appointed by the governor for staggered terms of two years in accordance with section 26-34. Each term shall commence on July 1 of the year of appointment and expire on the second June 30 following that date. The governor shall designate a member to be chairperson of the advisory committee. The director or a designee shall serve as ex officio member of the advisory committee. In establishing the advisory committee, the governor shall appoint at least two members representing private sector businesses and two members representing labor unions. The members shall serve without compensation but shall be reimbursed for expenses, including travel expenses, that are necessary for the performance of their duties.

§ **-6 Required programs.** (a) The administrator shall establish programs that provide essential products and services for each of the State's correctional facilities, for other state agencies, and for the counties, as may be required.

(b) To the extent that inventories and equipment for specific services may be dedicated to the development of correctional industries, the director may transfer the supervision of inventory and equipment to the administrator.

(c) A portion of real property at each correctional facility shall be designated by the director as an industry area. The director may assign these facilities to the administrator who shall be responsible for the maintenance and upkeep of the areas.

(d) The director or a designated representative shall consult with the directors of the various state agencies, including the department of transportation, the department of accounting and general services, and the department of business and economic development, to identify goods or services which the correctional industries program may produce or provide. Unless a specific exemption is granted by the administrator, these goods and services shall be provided by the correctional industries program.

§ **-7 Pricing.** (a) The administrator, with the approval of the director, shall determine the prices at which all goods and services produced are sold. The

prices shall be as near to the prevailing market prices for similar goods and services as practicable

(b) The administrator shall prepare catalogs containing the description of all goods and services produced with the price of each item Copies of the catalogs shall be made available to the State, the counties, and the federal government

(c) The administrator shall ensure that the quality of goods and services produced is comparable to similar goods and services available from the private sector For sales to the State or the counties, the quality of the goods or services shall be consistent with the specifications for the goods or services requested.

§ **-8 Business operations; budget.** (a) The administrator may purchase or cause to be purchased and maintained all necessary materials, supplies, space, services, and equipment required for the operation of the program Notwithstanding any other provision to the contrary, purchases of equipment, materials, supplies, and services by the administrator for the manufacture of any goods or services shall be exempt from the public bidding requirements of chapter 103

(b) All acquisitions, purchases, and loan repayments of the administrator shall be payable from the revenues derived from the sale of goods and services authorized by this chapter

(c) The administrator, with the approval of the director, may enter into loan arrangements with the director of finance or other organizations when funds are needed for a new or expanded program

(d) The director or a designated representative shall make regular reports, including monthly operating statements and annual finance reports. The director shall provide the annual operating report for the correctional industries program to the governor and the legislature

(e) The administrator shall submit a proposed annual budget of the correctional industries program as part of the total budget of the department of public safety The advisory committee shall review the budget of the correctional industries program

§ **-9 Rules.** The director shall adopt rules in accordance with chapter 91 to carry out the purposes of this chapter

§ **-10 Correctional industries revolving fund.** There is created a revolving fund to be known as the correctional industries revolving fund to be administered by the department All moneys collected by the department from the sale or disposition of goods and services produced in accordance with this chapter shall be deposited into the correctional industries revolving fund The proceeds in the correctional industries revolving fund shall be used for the purchase or lease of supplies, equipment, and machinery, the construction, leasing, or renovating of buildings used to carry out the purposes of this chapter, the salaries of personnel necessary to administer the enterprises established in accordance with this chapter, and other necessary expenses, provided that the correctional industries revolving fund shall not be maintained in excess of the amount necessary to carry out the purposes of this chapter

§ **-11 Provisions for qualified, able-bodied inmates; employment.** (a) The director or a designated representative shall make all qualified, able-bodied inmate work assignments with the correctional industries program and establish the rate of compensation for the assignments A portion of the compensation shall be paid to the State to defray the cost of operations, and a portion shall be paid to the qualified, able- bodied inmate in relation to the number of hours

worked, type of work assignment, and quality of work performed. Payment rates shall be established on an annual basis after review by the advisory committee. Payment rates shall be subject to the availability of appropriations by the legislature.

(b) The department shall recommend a possible reduction in the minimum term to the Hawaii paroling authority for any offender satisfactorily participating in the correctional industries program for a minimum of one year or for any period the equivalent of one-half of the balance of the term remaining to the tentative parole date. The possible reduction in the minimum term shall be determined by the performance and evaluation of the offender by the correctional industries program as recommended to the director or the director's designee.

(c) The department is authorized to adopt rules governing the employment, conduct, and management of qualified, able-bodied inmates while assigned to programs. All rules pertaining to the payment, employment, conduct, and management of qualified, able- bodied inmates shall be published and posted for inmates.

§ -12 Training and employment by organization; account proceeds and wages. (a) The administrator, after consultation and with the approval of the director, is authorized to contract with any labor organization, private profit or nonprofit organization, or federal or state agency for the purpose of training or employing qualified, able-bodied inmates.

(b) Proceeds and wages owed to a qualified, able-bodied inmate from the sale of goods or services that were produced by the qualified, able-bodied inmate under a program authorized by this chapter shall be held in an account maintained by the department and distributed periodically for:

(1) Reimbursement to the criminal injuries compensation fund by the qualified, able-bodied inmate in an amount not to exceed forty per cent of the qualified, able-bodied inmate's wages for payments actually and reasonably made by the criminal injuries compensation commission under chapter 351 to the victim of any crime of which the inmate was convicted;

(2) Payment for the support of the qualified, able-bodied inmate's dependents in amounts deemed appropriate by the department after consultation with the department of human services;

(3) Establishment of funds in trust for the qualified, able-bodied inmate to be released upon the inmate's release; and

(4) Payment of costs incident to the qualified, able-bodied inmate's confinement in an amount determined by the department, but not to exceed twenty per cent of the proceeds and wages.

§ -13 Venture agreements. (a) The department, working through the correctional industries program, may enter into venture agreements with private persons for the utilization of qualified, able-bodied inmate labor in the manufacture, processing, or assembly of components, finished goods, services, or product lines within facilities owned or leased by the department. The department may enter into agreements allowing for shared financing by the administrator and the private contractor for the facility, equipment, raw materials, and operation of industries developed pursuant to this section. The agreements shall be subject to review as to form by the attorney general and by the advisory committee.

(b) Qualified, able-bodied inmates producing goods and services under the terms of an agreement authorized by this section shall be paid on a scale to be determined by the director. These payments shall be distributed to offset the cost

of imprisonment, incidental expenses, court-ordered restitution, child support, and to establish funds in trust for the qualified able-bodied inmate upon release in conformance with section -12

(c) The correctional industries program may market goods and services produced under a venture agreement to both the public and private sectors

§ **-14 Disclosure of interests.** Any employee, adviser, or any other agent of the correctional industries program who has a direct or indirect interest in any contract or transaction with the correctional industries program shall disclose this interest to the administrator No employee, adviser, or agent having an interest shall participate on behalf of the correctional industries program in the authorization of any contract or transaction

§ **-15 Sale of goods.** It shall be unlawful to sell, or offer for sale, on the open market of this State, any articles or products manufactured or produced, wholly or in part under this chapter Goods or services produced by venture agreements under section -13 shall be exempt from this limitation

§ **-16 Penalties.** Any person who knowingly violates this chapter shall be guilty of a misdemeanor "

SECTION 2 Section 353-19, Hawaii Revised Statutes, is amended to read as follows

"§353-19 Compensation for labor or training by committed persons. Every committed person, who is working within a state correctional facility or who is in such training or educational programs as the director or a designated agent pursuant to law prescribes, may be allowed such graduated sums of money as the director by rule determines Any committed person engaged in work, training, or education pursuant to this section or work pursuant to this chapter or chapter [354] ___ shall not be affected by chapter 386 "

SECTION 3 Chapter 354, Hawaii Revised Statutes, is repealed

SECTION 4 Statutory material to be repealed is bracketed New statutory material is underscored

SECTION 5 This Act shall take effect upon its approval

(Approved July 9 1990)

ACT 342 H B NO 2950

A Bill for an Act Relating to Highway Safety

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $800,000, or 0 031 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is

necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 2. Act 320, Session Laws of Hawaii 1989, is amended by amending section 1 to read as follows:

"SECTION 1. Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to part XI to be appropriately designated and to read as follows:

"**§286- Driver improvement program.** (a) Every employer who employs a commercial motor vehicle driver as categorized in section 286- , or a category [4] (4) driver in section 286-102, shall provide for every such driver a driver improvement program. This program shall provide a system for continuous driver evaluation and annual driver safety courses approved by the director. For drivers with five years of continuous employment with one employer, this requirement shall be at least once every two years. Every job placement center through which a category (4) or commercial motor vehicle driver is employed on a casual or sporadic basis, and not as a regularly employed driver for any one employer, shall be responsible for providing the driver improvement program for all its category (4) and commercial motor vehicle drivers. For purposes of this subsection only, "job placement center" means any place where persons may register for purposes of employment, and the dispatching of those persons to various jobs as they become available. Any employer or job placement center that violates this subsection shall be fined not more than $500.

(b) Every regularly or casually employed driver of a category [4] (4) vehicle or a commercial motor vehicle shall attend the driver improvement program provided by the driver's employer or job placement center. The director shall adopt rules pursuant to chapter 91 necessary for the purposes of this subsection, including but not limited to rules governing attendance. Any driver who does not fulfill the appropriate driver improvement attendance requirement shall be fined not more than $100.

(c) The counties may furnish real property, facilities on [such] that property, and other equipment in furtherance of this section. A county may allow the use of [such] that property or other county property to a [certificated fleet safety examiner] third party examiner who has entered into an agreement with the county on terms that it deems proper and reasonable." "

SECTION 3. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by adding five new sections to the new part to be appropriately designated and to read as follows:

"**§286- Persons exempt from license.** The following persons shall be exempt from licensure under this part:

(1) Any active duty military personnel while operating a commercial motor vehicle in the service of the United States Department of Defense, provided that the driver has a current valid license or permit from the Department of Defense to drive the commercial motor vehicle; and

(2) Federal firefighters who drive federal fire trucks, provided that they are trained by the federal government.

§286- Notification and hearing. When the examiner of drivers suspends, revokes, or cancels a commercial driver's license or permit under section 286- ,

the examiner of drivers shall immediately notify the licensee and afford the licensee an opportunity for a hearing

§286- Appeal to circuit court. Any suspension, revocation, or cancellation of a commercial driver's license under section 286- may be appealed to the circuit court in which the applicant or licensee resides by filing a notice of appeal in that court within thirty days after being notified of the suspension, revocation, or cancellation The appeal shall not operate as a stay to the order or decision appealed from The appeal shall be subject to procedures and rules as may be prescribed by the court and the decision of the court shall be final except as otherwise provided in chapter 91

§286- Authority of the examiner of drivers to suspend, revoke, or cancel commercial driver's license or permit. The examiner of drivers may suspend, revoke, or cancel any commercial driver's license or permit without a hearing when the examiner of drivers has probable cause to believe that the licensee is disqualified under section 286- Upon suspension, revocation, or cancellation of the commercial driver's license or permit, the driver's license or permit shall be surrendered to the examiner of drivers by the licensee or permittee

§286- Penalty. Any person who drives a commercial motor vehicle in the State without a valid commercial driver's license or permit, or while the person's driving privileges are suspended, revoked, or canceled, or while disqualified from driving a commercial motor vehicle, or in violation of any out-of-service order shall be

(1) Disqualified from driving a commercial motor vehicle for a period of not less than one year and up to life,
(2) Fined not less than $500 but not more than $1,000, and
(3) Imprisoned not more than one year,

provided that the court shall have discretion to impose either a fine or imprisonment, or both '

SECTION 4 Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending the definition of "serious traffic violation" in section 286- to read as follows

" "Serious traffic violation" means

(1) [Excessive speeding, as defined by the United States Secretary of Transportation by regulation,] Driving at a speed of fifteen miles per hour or more above the posted speed limit,
(2) Driving a commercial motor vehicle in disregard of the safety of persons or property (reckless driving), [or]
(3) Improper or erratic traffic lane changes,
(4) Following a vehicle ahead too closely, or
[(3)] (5) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal traffic accident '

SECTION 5 Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows

"§286- Notification requirements. (a) Any driver of a commercial motor vehicle holding a commercial driver's license issued by this State[,] who is

convicted of violating any state law or local ordinance relating to motor vehicle traffic control[,] in any other state,[1] or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, in any type of motor vehicle, shall notify the examiner of drivers in the manner specified by the director within thirty days of the date of conviction. Any driver of a commercial motor vehicle holding a commercial driver's license issued by this State, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in this or any other state, or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, [must] in any type of motor vehicle, shall notify the person's current employer in writing of the conviction within thirty days of the date of conviction.

(b) Each commercial driver whose driver's license or permit is suspended, revoked, or canceled by any state, who loses the privilege to drive a commercial motor vehicle in any state for any period, or who is disqualified from driving a commercial motor vehicle for any period, [must] shall notify the person's current employer of the suspension, revocation, or [cancelation] cancellation before the end of the business day following the day the driver received notice of the suspension, revocation, [or cancelation.] cancellation, or disqualification.

(c) The written notice to the examiner of drivers and current employer as required by subsection (a) shall contain the following information:

(1) Driver's full name;
(2) Driver's license number;
(3) Date of conviction;
(4) Each specific criminal or other offense, or serious traffic violation of state or local law relating to motor vehicle traffic control, of which the person was convicted, and any suspension, revocation, or cancellation of driving privileges which resulted from that conviction;
(5) Indication whether the violation was in a commercial motor vehicle;
(6) Location of offense; and
(7) Driver's signature.

[(c)] (d) Each person who drives a commercial motor vehicle and applies for employment as a commercial motor vehicle driver shall provide the employer, at the time of the application, with the following information for the ten years preceding the date of application:

(1) A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle;
(2) The dates between which the applicant drove for each employer; and
(3) The reason for leaving each employer.

The applicant [must] shall certify that all information furnished is true and complete. An employer may require an applicant to provide additional information."

SECTION 6. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

"**§286- Commercial driver's license required.** (a) No person shall drive a commercial motor vehicle unless the person holds a valid commercial driver's license and valid applicable endorsements for the vehicle the person is driving, except when driving under a commercial driver's instruction permit and accompanied by the holder of a valid commercial driver's license for the vehicle being driven.

(b) No person shall drive a commercial motor vehicle while the person's driver's license or permit is suspended, revoked, or canceled, or while subject to a disqualification or in violation of an out-of-service order

(c) Any person who holds a category (4), (5), (6), (7), (8), (9), or (10) license that is valid on March 31, 1991, may continue to drive with that license until that person's next birthday, at which time the person shall be permitted to continue to drive only if the person obtains either a commercial driver's license or a reclassified category (4) license under section 286-102(b)."

SECTION 7. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

"**§286- Commercial driver's license qualification standards.** (a) No person shall be issued a commercial driver's license unless that person meets the qualification standards of 49 C.F.R., Part 391, Subparts B and E, has passed a knowledge and driving skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R. Part 383, Subparts G and H, and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act (CMVSA) of 1986 (Title XII, P.L. 99-570) in addition to other requirements imposed by state law or federal regulation. The tests [must] shall be prescribed by the director and administered by the respective county examiner of drivers.

(b) Pursuant to chapter 91, the director may authorize a [person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency, or instrumentality of local government,] third party examiner to administer the driving skills test specified in this section, provided:

(1) The test is the same as that [which would otherwise be] administered by the [State,] respective county examiners of drivers, and

(2) The third party examiner has entered into an agreement with the State which complies with requirements of 49 C.F.R., §383.75.

(c) The examiner of drivers may waive the driving skills test specified in this section for a commercial driver's license applicant who meets the requirements of 49 C.F.R., §383.77.

(d) A commercial driver's license or commercial driver's instruction permit[,] shall not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked, or canceled in any state, or while the person holds a driver's license issued by any other state unless the person first surrenders that license.

(e) A commercial driver's instruction permit may be issued to an individual who holds a valid driver's license, meets the qualification standards of 49 C.F.R., Part 391, Subparts B and E, and has passed the written tests required for the desired class of a commercial driver's license.

(f) The commercial driver's instruction permit shall not be valid for a period in excess of six months. Only one renewal or reissuance may be granted within a two-year period. When driving a commercial motor vehicle, the holder of a commercial driver's instruction permit shall be accompanied by a person licensed to operate that category of commercial motor vehicle. The licensed person shall occupy the seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle."

SECTION 8. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

"§286- **Application for commercial driver's license.** (a) The application for a commercial driver's license or commercial driver's instruction permit[, must] shall include the following with respect to the applicant:

(1) The full name and current mailing, residential, and business addresses;
(2) A physical description including sex and height;
(3) Date of birth;
(4) Social security number;
(5) Signature;
(6) Color photograph;
(7) Certifications including those required by 49 C.F.R., §383.71(a)[;], except that this certification applies to both intrastate and interstate drivers; and
(8) Any other information required by section 286-111.

(b) When a licensee's name, mailing, business, or residence address is changed, a notification of the change shall be given as provided in section 286-116.5.

(c) No person who has been domiciled in this State for thirty days or more may drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction."

SECTION 9. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

"§286- **Commercial driver's license.** (a) The commercial driver's license [must] shall be marked "CDL" and [must], to the maximum extent practicable, shall be [tamper proof] tamperproof and include, but not be limited to, the following with respect to the licensee:

(1) The name and residence address;
(2) A color photograph;
(3) A physical description including sex and height;
(4) Date of birth;
(5) Social security number;
(6) Signature;
(7) The class or type of commercial motor vehicle or vehicles which may be driven together with any endorsements or restrictions;
(8) The name of this State; and
(9) The issuance and expiration dates of the license.

(b) Commercial driver's licenses may be issued with the following categories:

(1) Category A - Any combination of vehicles with a gross vehicle weight rating (GVWR) of 26,001 pounds or more; provided that the GVWR of the vehicles being towed is in excess of 10,000 pounds;
(2) Category B - Any single vehicle with a GVWR of 26,001 pounds or more, or if the GVWR of the vehicle being towed [by the single vehicle] is not in excess of 10,000 pounds; and
(3) Category C - Any single vehicle [with a GVWR of less than 26,001 pounds or if the GVWR of the vehicle being towed by the single vehicle is not in excess of 10,000 pounds comprising:] or combination of vehicles that meets neither the definition of category A nor that of category B, but that is either:
    (A) [Vehicles designed] Designed to transport sixteen or more passengers, including the driver; or

(B) [Vehicles used] Used in the transportation of hazardous materials which requires the vehicle to comply with 49 C F R , Part 172, Subpart F

(c) Commercial [driver s] drivers licenses may be issued with any one or more of the following endorsements and restriction

(1) "H" - Authorizes the driver to drive a vehicle transporting hazardous materials,
(2) 'K" - Restricts the driver to vehicles not equipped with air brakes,
(3) "T" - Authorizes driving double and triple trailers,
(4) 'P - Authorizes driving vehicles carrying passengers,
(5) ' N" - Authorizes driving tank vehicles, and
(6) 'X' - Represents a combination of hazardous materials and tank vehicle endorsements

(d) The holder of a valid commercial driver's license may drive all vehicles in the category for which the license is issued, and all lesser categories of vehicles except motorcycles and except vehicles which require an endorsement, unless the proper endorsement appears on the license

(e) Before issuing a commercial driver's license, the examiner of drivers shall obtain the applicant's driving record information through the commercial driver s license information system the National Driver Register, and from the last state [which] that issued the applicant a commercial driver's license

(f) Within ten days after issuing a commercial driver's license, the examiner of drivers [must] shall notify the commercial driver's license information system of that fact, providing all information required to ensure identification of the licensee

(g) An initial commercial driver s license shall be valid for not less than a two- or four-year period, beginning on the driver's birthday Renewal licenses shall be valid for not more than a two- or four-year period from the expiration date of the previous valid license The commercial driver's license shall expire on the next birthday of the licensee occurring four years after the date of issuance of the license unless sooner revoked, suspended, or canceled, provided that unless sooner revoked the license shall expire on the second birthday of the licensee following the issuance of the license if at that time the licensee

(1) Is sixty five years of age or older, or
(2) Is twenty-one through twenty-four years of age [or younger]

(h) When applying for renewal of a commercial driver's license, the applicant [must] shall complete the application form required by section 286- , providing updated information and required certifications, and pass a knowledge test approved by the director If the applicant desires to retain a hazardous materials endorsement, the knowledge test for a hazardous materials endorsement [must] shall also be taken and passed "

SECTION 10 Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows

"**§286- Disqualification and [cancelation.] cancellation.** (a) A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted of a first violation of

(1) Driving a commercial motor vehicle under the influence of alcohol, a controlled substance, or any drug which impairs driving ability
(2) Driving a commercial motor vehicle while the alcohol concentration of the driver s blood is 0 04 per cent or more by weight,
(3) Refusal to submit to a test to determine the driver's alcohol concentration while driving a commercial motor vehicle,

(4) Using a commercial motor vehicle in the commission of any felony;
(5) Leaving the scene of an accident involving [a] the commercial motor vehicle driven by the person; or
(6) [Falsifying information or failing to report or disclose required information either before or after issuance of a commercial driver's license.] Unlawful transportation, possession, or use of a controlled substance while on-duty time.

(b) A person is disqualified for a period of not less than three years for any violation of subsection (a) while a hazardous material required to be placarded is being transported.

(c) A person is disqualified from driving a commercial motor vehicle for life if convicted two or more times for any violations of [subsection (a) or subsection (b), or both.] this section. Only offenses committed after the effective date of this [Act] section may be considered in applying this subsection.

(d) A person is disqualified from driving a commercial motor vehicle for life if the person uses a commercial motor vehicle in the commission of any felony involving the manufacturing, distributing, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(e) A person is disqualified from driving a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations, or one hundred twenty days if convicted of three serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period.

(f) A person is disqualified from driving a commercial motor vehicle or from resubmitting an application for a period of not less than sixty days, if the examiner of drivers finds that a commercial driver's license holder or applicant for a commercial driver's license has falsified information or failed to report or disclose required information either before or after issuance of a commercial driver's license."

SECTION 11. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

"**§286- Commercial drivers prohibited from operating with any alcohol in their body.** (a) Notwithstanding any other provision of this chapter, a person may not drive a commercial motor vehicle while having any alcohol in that person's body.

(b) A person who drives a commercial motor vehicle while having an alcohol concentration of 0.01 per cent through 0.03 per cent by weight or who refuses to take a test as provided by section 286- shall be issued an out-of-service order. The driver shall also be placed out-of-service for twenty-four hours if the results of a blood test are not immediately available."

SECTION 12. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

"**§286- Implied consent requirements for commercial motor vehicle drivers.** (a) A person who drives a commercial motor vehicle within this State is deemed to have given consent to submit to a test or tests, approved by the director of health, of that person's blood[,] or breath[, or urine] for the purpose of determining that person's alcohol concentration[,] or the presence of [other drugs.] controlled substances, or both.

(b) A test or tests may be administered at the direction of a law enforcement officer[,] who, after lawfully stopping or detaining the commercial motor vehicle driver, has [reasonable grounds] probable cause to believe that the driver was driving a commercial motor vehicle while having in the person's body alcohol, a controlled substance, or any drug which impairs driving.

(c) A person requested to submit to a test as provided in subsection (a) [must] shall be warned by the law enforcement officer requesting the test[,] that a refusal to submit to the test will result in [that]:

(1) The officer immediately issuing a twenty-four hour out- of-service order under section 286- , and

(2) The person being disqualified from operating a commercial motor vehicle for at least a one-year period under section 286- .

(d) If the person refuses testing, or submits to a test which discloses an alcohol concentration of 0.04 per cent or more by weight, the law enforcement officer [must] shall submit an affidavit to a district judge of the circuit in which the arrest was made, stating that the test was authorized pursuant to subsection (a) and that the person refused to submit to testing, or submitted to a test which disclosed an alcohol concentration of 0.04 per cent or more by weight.

(e) Upon receipt of the affidavit of a law enforcement officer submitted under subsection (d), the district judge shall hold a hearing as provided in section 286-156 and shall determine whether the statements in the affidavit are true and correct. If the judge finds the statements contained in the affidavit are true, the judge shall disqualify the driver from driving a commercial motor vehicle under section 286- ."

SECTION 13. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

"**§286- Notification of traffic convictions.** Within ten days after receiving a report of the conviction of any nonresident holder of a commercial driver's license for any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the [State] examiner of drivers shall notify the driver's licensing authority in the licensing state of the conviction."

SECTION 14. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

"**§286- Notification of suspension, revocation, or [cancelation] cancellation of commercial driver's licenses or permits.** (a) After suspending, revoking, or canceling a commercial driver's license or permit, the records of the examiner of drivers shall be updated to reflect that action within ten days. After suspending, revoking, or canceling a nonresident commercial driver's license or permit, the examiner of drivers [must] shall notify the licensing authority of the state which issued the commercial driver's license within ten days.

(b) After suspending, revoking, or canceling a resident commercial driver's license or permit, the examiner of drivers shall notify the driver's current employer within ten days."

SECTION 15. Section 2 of Act 320, Session Laws of Hawaii 1989, is amended by amending section 286- to read as follows:

"§286- **Driving record information to be furnished.** Notwithstanding any other provision of law to the contrary, the [State] city and county of Honolulu shall furnish full information regarding the driving record of any person:

(1) To the driver's license administrator of any other state, or province or territory of Canada, requesting that information; and

(2) To the person's employer or prospective employer."

SECTION 16. Act 320, Session Laws of Hawaii 1989, is amended by amending Section 9 to read as follows:

"SECTION 9. This Act shall take effect on [January 1, 1991.] April 1, 1991."

SECTION 17. Section 286-2, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

" "Employee" means any driver of a commercial motor vehicle, including full time, regularly employed drivers; casual, intermittent, or occasional drivers; and leased drivers and independent, owner-operator contractors (while in the course of operating a commercial motor vehicle) who are either directly employed by or under lease to an employer.

"Third party examiner" means a driver's license examiner who is qualified and has been certified by the State to examine applicants for category (4) licenses under section 286-102(b) and commercial driver licenses."

SECTION 18. Act 320, Session Laws of Hawaii 1989, is amended by amending Section 4 to read as follows:

"SECTION 4. Section 286-102, Hawaii Revised Statutes[1] is amended to read as follows:

"**§286-102 Licensing.** (a) No person, except one exempted under section 286-105, one who holds an instruction permit under section 286-110, one who holds a commercial driver's license issued under section 286- , or a commercial driver's license instruction permit issue under section 286- , shall operate any category of motor vehicles listed in this section without first being appropriately examined and duly licensed as a qualified driver of that category of motor vehicles.

(b) A person operating the following category or combination of categories of motor vehicles shall be examined as provided in section 286-108 and duly licensed by the examiner of drivers:

(1) Motor scooters;

(2) Motorcycles and motor scooters;

(3) Passenger cars of any gross vehicle weight rating, buses designed to transport fifteen or fewer occupants; [having a gross vehicle weight rating of twenty-six thousand pounds or less;]

(4) All of the motor vehicles in category (3) and trucks having a gross vehicle weight rating of ten thousand one through twenty-six thousand pounds.

A school bus or van operator shall be properly licensed to operate the category of vehicles that the operator operates as a school bus or van and shall comply with the standards of the department of transportation as provided by rules adopted pursuant to section 286-181.

(c) No person shall receive a driver's license unless the person surrenders to the examiner of drivers all valid driver's licenses in the person's possession. All

such surrendered licenses shall be returned to the issuing authority, together with information that the person is licensed in this State No [such] person shall be permitted to hold more than one valid driver's license at any time " "

SECTION 19 Act 320, Session Laws of Hawaii 1989, is amended by amending Section 5 to read as follows

"SECTION 5 Section 286-105, Hawaii Revised Statutes, is amended to read as follows:

"§286-105 What persons are exempt from license. The following persons are exempt from license.

(1) Any person while driving or operating a motor vehicle in the service or employ of any branch or agency of the federal government, provided that the person has received a license or permit from the branch or agency to operate and drive the motor vehicle, provided further that the branch or agency has been duly authorized by the federal government to issue the license or permit.

(2) Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway, provided that no person under the age of thirteen years shall be permitted to drive or operate any such road machine, farm tractor, or implement of husbandry on a highway,

(3) Any person who is at least eighteen years of age and who has in the person's possession a valid driver's license to drive the categories of motor vehicles listed in section 286-102(b), except section 286-102(b)(4), that is equivalent to a driver's license issued in this State but was issued to the person in any other state of the United States, the Commonwealth of Puerto Rico, U.S. Virgin Islands, American Samoa, Guam, a province of the Dominion of Canada, or the Commonwealth of the Northern Mariana Islands for that category of motor vehicle which the person is operating[.]; and

(4) Any person who has in the person's possession a valid commercial motor vehicle driver's license issued by any state of the United States or a province of the Dominion of Canada that issues licenses in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver's licenses " "

SECTION 20 Section 286-111, Hawaii Revised Statutes, is amended to read as follows

"§286-111 Application for license or instruction permit; fees. (a) Every application for an instruction permit or for a driver's license shall be made upon a form furnished by the examiner of drivers and shall be verified by the applicant before a person authorized to administer oaths The examiner of drivers and officers serving under the examiner are hereby authorized to administer such oaths without charge Each application for an instruction permit for a category (1), (2), (3), or (4) license shall be accompanied by a fee to be determined by the council of each county and each application for a driver's license shall be accompanied by the fee, unless the applicant has already paid the fee upon application for an instruction permit in the same county, in which event no fee shall be chargeable An additional fee to be determined by the council of each county shall be charged and collected upon the issuance of a driver's license. All the foregoing fees shall become county realizations.

(b) The director of transportation shall establish a fee schedule for all commercial driver's licensing examinations. The fees collected for a commercial driver's license shall become state realizations and deposited in the state highway fund. The State shall reimburse the counties all costs for administering the commercial driver's licensing program. The amount of reimbursement shall be determined by the director of transportation.

(c) Every application shall state the full name, date of birth, sex, occupation, the residence address and business address, if any, of the applicant, and shall briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as a driver, and, if so, when and in what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and[1] if so, the date of and reason for the suspension, revocation, or refusal."

SECTION 21. There is appropriated out of the general revenues of the State of Hawaii the sum of $800,000, or so much thereof as may be necessary, for fiscal year 1990-1991 for the purposes of this Act. The sum appropriated shall be expended by the department of transportation.

SECTION 22. Statutory material to be repealed is bracketed. New statutory material is underscored.[2]

SECTION 23. This Act shall take effect on April 1, 1991; provided section 21 shall take effect on July 1, 1990.

(Approved July 9, 1990.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.

ACT 343 S.B. NO. 422

A Bill for an Act Relating to Precious Metals.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Findings. The legislature finds that unscrupulous firms have been manufacturing in Hawaii, or importing into Hawaii gold and silver items that are improperly marked to overstate the precious metal content, or both. Sales of such items are deceptive and mislead consumers into purchasing items believed to be of higher value than they actually are. The widespread publicity and sales of such items have eroded the public's confidence in jewelry items sold in Hawaii. The public has no practical way of knowing if an item is mismarked or underkarated and no way of checking the manufacturer's reputation if the item does not have a trademark.

The legislature further finds that firms which sell items with a lower precious metal content than indicated by the quality mark, compete at an unfair advantage against legitimate firms selling legitimate items. Existing federal law requires that items made of gold and silver bearing a mark stating fineness shall be within a specified tolerance of the fineness indicated and have a duly registered trademark. The federal agencies have not enforced this law because they are understaffed and do not rank this crime high on their priorities. Other states have enacted laws governing the stamping of gold and silver articles. The

crimes of manufacturing, importing, and selling mismarked gold and silver items continue in Hawaii at the expense of unsuspecting customers and legitimate merchants who cannot compete with mismarked merchandise. A Hawaii state law setting marking requirements similar to the existing federal requirements would not create any major hardships on firms which are in compliance with existing federal law.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows.

"CHAPTER
GOLD AND SILVER STAMPING

§ **-1 Definitions.** As used in this chapter

"Article of merchandise" means any goods, wares, works of art, commodities, or other things which may be lawfully kept or offered for sale, imported into, or exported from the State

"Person" means an individual, partnership, corporation, or any other form of business enterprise, capable of being in violation of this chapter

"Stamped" means branded, engraved, or printed on the article or upon any sign, tag, card, label, box, package, cover, or wrapper used to encase, enclose, display or promote the article

"Test" means analysis or assay to determine the fineness of the gold, silver, or alloy

"Trademark" shall include any trademark or tradename duly registered under the laws of the United States

§ **-2 Importation or manufacture of falsely marked gold or silver articles prohibited.** It shall be unlawful for any person being a manufacturer or dealer of or in wholesale or retail in gold or silver articles to manufacture, sell, import, or export gold or silver jewelry or gold or silver articles, manufactured after October 1, 1981, and made in whole or in part of gold or silver, or any alloy of either of these metals, and having stamped any mark or word indicating or designed or intended to indicate that the gold or silver or alloy in the article is of a greater degree of fineness than the actual fineness of quality of the gold, silver, or alloy, according to the standards established in this chapter

§ **-3 Standard of fineness of gold articles; deviation.** The actual fineness of gold or alloy shall not be less by more than .003 parts than the fineness indicated by the mark stamped upon any part of the article; provided, however, that.

(1) In any test for the ascertainment of the fineness of any article mentioned in this chapter, the part of the article taken for the test, shall be the portion as does not contain any solder or alloy of inferior fineness used for brazing or uniting the parts of the article; and

(2) The actual fineness of the entire quantity of gold or of its alloys contained in an article including all solder and alloy of inferior fineness used for brazing or uniting the parts of the article (all gold, alloys, and solder being assayed as one piece), shall not be less by more than 003 parts, in the case of a watchcase or flatware, or than 007 parts, in the case of any other article, than the fineness indicated by the mark stamped upon the article

§ -4 **Standard of fineness of silver articles; deviation.** (a) The actual variation of fineness of silver or alloy of articles made in whole or in part of silver or its alloys shall not be less by more than .004 parts than the actual fineness indicated by any mark (other than the word "sterling" or the word "coin") stamped upon any part of the article.

(b) No article shall be stamped with the word "ster", "sterling", or "sterling silver" or any colorable imitation thereof, unless the article contains .925 parts pure silver.

(c) No article shall be stamped with the words "coin" or "coin silver" or any colorable imitation thereof, unless the article contains .900 parts pure silver; provided, however:

(1) That in the case of all articles whose fineness is indicated by the word "sterling" or the word "coin" there shall be allowed a divergence in the fineness of .004 parts from these standards;

(2) That in any test for the ascertainment of the fineness of any article mentioned in this section that part of the article taken for the test shall be such part as does not contain any solder or alloy of inferior fineness used for brazing or uniting the parts of such article; and

(3) That in the case of any article mentioned in this section in addition to the foregoing tests and standards, the actual fineness of the entire quantity of silver or of its alloys contained in the articles, including all solder and alloy of inferior fineness used for brazing or uniting the parts of such article (all such silver, alloys, and solder being assayed as one piece), shall not be less by more than .010 parts than the fineness indicated by the mark stamped upon the article.

§ -5 **Identifying plated articles; words "gold", "karat gold", "solid gold", "ster", "sterling", "sterling silver", or "coin silver" forbidden.** No article made in whole or in part of an inferior metal, having deposited or plated thereon or brazed or otherwise affixed thereto a plating, covering, or sheet composed of gold or silver, or of an alloy of either of these metals, and known in the market as rolled gold plate, gold plate, gold filled, silver plate, or by any similar designation, shall be stamped with any word or mark to indicate the fineness of gold including the word "gold", "solid gold", or "karat gold" unless the word or mark is accompanied by other words, plainly indicating that the article or part thereof is made of rolled gold plate, gold plate, or gold electroplate, or is gold filled, as the case may be, and no such article shall be stamped with the word "ster", "sterling", "sterling silver", or the word "coin silver" either alone or in conjunction with other words or marks.

§ -6 **Quality marks; identifying trademarks.** (a) No article of merchandise bearing a quality or fineness mark made in whole or in part of gold or silver or of an alloy of either metal shall be sold, offered for sale, imported into, or exported from the State unless it is stamped with a trademark that has been registered under the laws of the United States or applied for registration within thirty days of being imported or offered for sale in the State.

(b) Every article of merchandise which is composed of two or more parts which are complete in themselves but which are not identical in quality, and any one of the parts bears a quality mark or stamp, each other part of that article of merchandise shall bear a quality mark or stamp of like pattern and size disclosing the quality of that other part.

(c) Each identifying trademark applied to any article of merchandise in compliance with this section shall be applied in a position as close as possible to the quality mark or stamp and shall be as clear and legible as the quality mark.

§ -7 **Violation of fineness standards and stamping requirements.** (a) A person commits a criminal offense if the person is a manufacturer or dealer of gold or silver articles of merchandise and the person sells or possesses articles of merchandise which violates sections -3, -4, or -5 If the aggregate value of the articles which violate sections -3, -4, or -5 is $300 or less, the offense shall be a misdemeanor If the aggregate value of the articles which violate sections -3, -4, or -5 exceeds $300, the offense shall be a class C felony.

(b) Each and every person, being a manufacturer of or a wholesale or retail dealer in gold or silver jewelry or articles, who shall knowingly violate sections -3, -4, or -5, shall be deemed guilty of a class C felony

§ -8 **Violation of trademarking requirement.** Any person, being a manufacturer or dealer of gold or silver articles of merchandise, who sells or possesses articles which are not stamped with a trademark as required by section -6 shall:

(1) Be guilty of a misdemeanor for the first offense, and

(2) Be guilty of a class C felony for any subsequent offense.

§ -9 **Contraband; forfeiture.** It is unlawful for any manufacturer or dealer to possess any article of merchandise found to be in violation of sections -3, -4, or -5 All articles of merchandise found to be in violation of sections -3, -4, or -5 shall be contraband and subject to seizure and forfeiture as provided in part VII, chapter 708 and chapter 712A, Hawaii Revised Statutes Any articles seized and forfeited pursuant to this section, and any proceeds thereof, may be made available to any victim who has a valid claim for loss or damage against the person from whom the articles were seized.

§ -10 **Injunctive relief and suits.** (a) Any competitor, customer, or competitor of a customer of any person in violation of this chapter, or any subsequent purchaser of an article of merchandise which violates this chapter shall be entitled to injunctive relief restraining further violations and may sue as the real party in interest in any circuit court of the State, and shall recover damages and the cost of suit, including reasonable attorney's fees

(b) If the court determines that the action was brought frivolously, for purposes for harassment, or in implementation of any scheme in restraint in trade, it may award court costs, reasonable attorney's fees and any other remedies, including punitive damages, the courts deems reasonable

(c) Any defendant against whom a civil action is brought under the provisions of this chapter shall be entitled to recover the cost of defending the suit, including a reasonable attorney's fee, in the event such action is terminated without a finding by the court that such defendant is or has been in violation of this chapter

§ -11 **Jurisdiction of civil actions.** The circuit courts shall have exclusive original jurisdiction of any civil action arising under the provisions of this chapter "

SECTION 3 This Act shall take effect upon its approval; provided, however that Section -6 shall take effect ninety days

(Approved July 9, 1990)

ACT 344 H.B. NO. 2103

A Bill for an Act Relating to Zip Codes.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that a 1986 study conducted by the department of accounting and general services indicated that certain cost savings could accrue to the State by using the United States Postal Service's ZIP + 4 codes for sorting and handling business mail.

The purpose of this Act is to appropriate funds to begin using ZIP + 4 codes in certain agencies in the state government.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $60,000, or 0.0023 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $60,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the implementation of ZIP + 4 in the fiscal benefit office of the department of human services, the preaudit office of the department of accounting and general services, the tax service and processing division of the department of taxation, and the administrative services office of the department of education.

SECTION 4. The sum appropriated shall be expended by the department of budget and finance for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 1990.

(Approved July 9, 1990.)

ACT 345 S.B. NO. 2600

A Bill for an Act Relating to Public Property.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to broaden the bid deposit requirements for concessions on public property to include all credit union instruments.

Under current law, credit union members are not allowed to support their bids for concessions on public property with credit union instruments. Only cash or instruments issued by federally insured banks or savings and loans are permissible bid deposits. As federally insured institutions, credit unions' instruments are as secure as instruments issued by federally insured banks or savings and loans.

Since credit unions can provide the same assurances of security for their instruments as banks or savings and loans, credit union instruments should be permitted to secure bids for concessions on public property

SECTION 2 Section 102-6, Hawaii Revised Statutes, is amended to read as follows:

"**§102-6 Deposits of legal tender, etc., to accompany bid.** All bids shall be accompanied by a deposit of legal tender, or a certificate of deposit, cashier's check or certified check on a bank that is insured by the Federal Deposit Insurance Corporation[,] or by a share certificate, cashier's check, certified check, or teller's check issued by a credit union that is insured by the National Credit Union Administration, in a sum not less than five per cent of the amount bid, payable at sight or unconditionally assigned to the officer advertising for tenders, provided that when the amount bid exceeds $50,000, the legal tender, certificate of deposit, share certificate, cashier's check [or], certified check, or teller's check shall be in a sum not less than $2,500 plus two per cent of the amount in excess of $50,000

A bid deposit for a bid requiring a deposit may be in the form of a surety bond conforming to the requirements of section 103-31 "

SECTION 3 Section 102-8, Hawaii Revised Statutes, is amended to read as follows

"**§102-8 Bond may be substituted for deposits.** In lieu of the deposit of legal tender, [or] certificate of deposit, [or] share certificate, cashier's check, certified check, or teller's check, a bid may be accompanied by a surety bond executed to the officer calling for bids by the bidder as principal, and by any corporation organized for the purpose of becoming surety on bonds, authorized under the laws of the United States or of the State to act as surety and doing business in the State under the laws of the United States or of the State, if a foreign corporation, and under the laws of the State, if a [Hawaiian] Hawaii corporation, as surety, in a penal sum of equal amount, conditioned upon the bidder entering into the contract and furnishing satisfactory security within ten days after the award or within [such] any further time as the officer may allow, if the bidder is awarded the contract "

SECTION 4 Section 102-12, Hawaii Revised Statutes, is amended to read as follows

"**§102-12 Surety on bond; justification.** A surety company authorized to do business under the laws of the State may be accepted as surety on the bond, whenever, in the opinion of the officer letting the contract, the rights of all parties in interest will be fully protected If the surety or sureties on the bond, whether individual or corporate, shall be other than a surety company authorized to do business under the laws of the State, there shall be not more than four [such] sureties who shall severally justify in such amounts as, taken together, will aggregate the full amount of the bond, provided that in the case of [such] the other sureties the officer letting the contract shall require that the surety shall also severally deposit with the officer certified checks [or], certificates of deposit [(payable], or share certificates (unconditionally assigned or on demand on or after such period as the officer may stipulate) or bonds, stocks, or other negotiable securities, or execute and deliver to the officer a deed of trust of real property, all of such character as shall be satisfactory to the officer, each surety

to furnish [such] the security to the full cash value of one hundred per cent of the amount for which the surety shall so have justified; provided further that the contracting officer [may], in the officer's discretion, may waive the necessity of furnishing [such] the security, to any extent that the officer may deem warranted, in cases where, upon an actual examination, the officer is satisfied as to the financial responsibility of the proposed surety or sureties; provided that if there is but one personal surety the surety shall so justify for the full amount of the bond."

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved July 9, 1990.)

ACT 346 S.B. NO. 2835

A Bill for an Act Relating to the Regulation of Real Estate Appraisers.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 466K-1, Hawaii Revised Statutes, is amended to read as follows:

"**[]§466K-1[] Findings and purpose.** The legislature finds that the regulation of real estate appraisers is reasonably necessary to protect consumers. The legislature further finds that 12 U.S.C. §3301 et seq. requires that real estate appraisals utilized in connection with federally related transactions be performed by individuals who are certified appraisers. It is the purpose of this chapter to [provide a mechanism whereby review and evaluation may be performed to determine the best method to implement regulation of appraisers.] implement the requirements of 12 U.S.C. §3301 et seq."

SECTION 2. Section 466K-3, Hawaii Revised Statutes, is amended to read as follows:

"**[]§466K-3[] Powers and duties of the director.** The director shall have the following powers and duties:

(1) To grant permission to practice as a certified real estate appraiser in this State pursuant to this chapter and 12 U.S.C. §3301 et seq. and the rules and regulations adopted pursuant thereto;
(2) To adopt, amend, or repeal rules as the director finds necessary to effectuate fully this chapter[;] and 12 U.S.C. §3301 et seq.;
(3) To enforce this chapter and 12 U.S.C. §3301 et seq. and rules and regulations adopted pursuant thereto; [and]
(4) To discipline a certified real estate appraiser for any cause prescribed by this chapter or 12 U.S.C. §3301 et seq. or for any violation of the rules and regulations and refuse to grant a person permission to practice as a certified real estate appraiser for any cause that would be grounds for disciplining a certified real estate appraiser[.];
(5) To act as the designated representative of this State to implement 12 U.S.C. §3301 et seq.; and

(6) To appoint an advisory committee to assist with the implementation of this chapter and 12 U.S.C §3301 et seq. and the rules and regulations adopted pursuant thereto."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored

SECTION 4 This Act shall take effect upon its approval

(Approved July 9, 1990)

ACT 347 S B NO. 2338

A Bill for an Act Relating to Legislative Management

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by $2,517,500, or 0 099 per cent The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act

PART I

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER
LEGISLATIVE FISCAL AND BUDGET ANALYSIS

§ **-1 Purpose.** The legislature finds that most states have a separate fiscal policy office in the legislative branch that works effectively to provide the legislature with necessary revenue and expenditure data and analyses from which economic and fiscal policies are developed In Hawaii, the legislature relies on the economic and fiscal analyses of the executive branch and private sector. The legislature believes that this dependency creates an inherent conflict of interest that precludes the legislature from operating independently

Modern legislatures have become sophisticated data gatherers and analysts, on par with the executive and judiciary branches Over the last five years, this shift has been accelerated through the development of professional, highly specialized legislative staff

Since Hawaii's legislature meets for only four months of the year, it has come to rely heavily on the use of session-only legislative staff or employees on loan from the executive branch In 1988, the state house and senate together employed 621 session staff members as compared to 151 permanent employees. Only New York, the state with the most legislative staff in the country, had more session staff than Hawaii.

The purpose of this chapter is to establish a permanent legislative committee to provide the legislature with information, facts, and analyses concerning fiscal, budgetary, and tax matters of the State. It is the legislature's intent that the committee, with the assistance of the office of the legislative analyst, shall perform independent, in-depth analysis of the State's budget, revenues and expenditures, economic conditions, and tax policies.

§ **-2 Definitions.** As used in this chapter, unless the context requires otherwise:

"Committee" means the joint legislative budget committee.

"House" means the state house of representatives.

"Office" means the office of the legislative analyst.

"Senate" means the state senate.

§ **-3 Joint legislative budget committee established; purpose.** The joint legislative budget committee is hereby established. The committee shall ascertain facts and make recommendations to the legislature and to the houses thereof concerning: the state budget; the revenues and expenditures of the State; the organization and functions of the State, its departments, subdivisions, and agencies; and other matters as may be provided for in the rules of the senate and the rules of the house. The committee shall have a continuing existence and may meet, act, and conduct its business at any place within this State, during the sessions of the legislature or any recess, and in the interim period between sessions.

§ **-4 Selection of members; co-chairpersons; filling vacancies.** The committee shall consist of five members of the senate and five members of the house who shall be selected in the manner provided for in the rules of the senate and the rules of the house. The president of the senate and the speaker of the house shall select the members of the committee, including members of the majority leadership, members of the minority leadership, the chairperson of the senate ways and means committee, and the chairperson of the house finance committee. The chairperson of the senate ways and means committee and the chairperson of the house finance committee shall serve as co-chairpersons of the committee. Vacancies occurring in the membership of the committee shall be filled in the manner provided for in the rules of the senate and the rules of the house. A vacancy shall be deemed to exist as to any member of the committee whose term is expiring whenever the member is not reelected at the general election.

§ **-5 Rules.** The committee is authorized to adopt rules governing its own proceedings and to create subcommittees from its membership and assign to the subcommittees any study, inquiry, investigation, or hearing that the committee itself has authority to undertake or hold.

§ **-6 Office of the legislative analyst established.** (a) There is established the office of the legislative analyst to be administered by the committee. The committee shall appoint a legislative analyst who shall serve for a period of four years. The committee, by a three-fourths vote of its members, may remove the legislative analyst from office, but only for cause. The committee shall fix the salary of the legislative analyst.

(b) The legislative analyst may employ other clerical and technical employees as may be necessary to carry out the functions of the office. The legislative analyst and other clerical and technical employees shall be entitled to

participate in any employee benefit program plan or privilege generally available to state employees

§ -7 **General purposes of analyst.**[1] The purpose of the office of the legislative analyst shall be

(1) To provide the legislature with research and analysis of current and projected state revenues and expenditures,

(2) To provide the legislature with a report analyzing the governor s proposed levels of revenue and expenditures for biennial budgets submitted under chapter 37 as well as other supplemental budget submittals to the legislature by the governor,

(3) To provide an analysis of the impact of the governor's proposed revenue and expenditure plans for the next biennium

(4) To conduct research matters of economic and fiscal policy and to report to the legislature on the result of the research,

(5) To provide economic reports and studies on the state of the State's economy, including trends and forecasts for consideration by the legislature,

(6) To conduct budget and tax studies and provide general fiscal and budgetary information,

(7) To review and make recommendations on the operation of state programs in order to appraise the implementation of state laws regarding the expenditure of funds and to recommend means of improving their efficiency and

(8) To recommend to the legislature changes in the mix of revenue sources for programs, in the percentage of state expenditures devoted to major programs, and in the role of the legislature in overseeing state government expenditures and revenue projections

(b) In performing the duties under subsection (a), the legislative analyst shall consider, among other things

(1) The relative dependence on state tax revenues, federal funds, and user fees to support state-funded programs, and whether the existing mix of revenue sources is appropriate, given the purposes of the programs,

(2) The relative percentages of state expenditures that are devoted to major programs such as education, assistance to local government, aid to individuals, state agencies and institutions, and debt service, and

(3) The role of the legislature in overseeing state government expenditures, including legislative appropriation of money from the general fund, legislative appropriation of money from funds other than the general fund state agency receipt of money into revolving and other dedicated funds and expenditure of money from these funds, and state agency expenditure of federal funds

§ -8 **Agencies to cooperate.** All departments, agencies, and education institutions of the executive and judicial branches, the office of Hawaiian affairs, and the University of Hawaii shall comply with requests of the office of the legislative analyst for information, data, estimates, and statistics on the funding revenue operations, and other affairs of the department, agency, education institution, the office of Hawaiian affairs, or University of Hawaii The comptroller, the director of finance, the director of taxation, the administrative director of the courts, the administrator of the office of Hawaiian affairs, and the president of the University of Hawaii shall provide the office of the legislative

analyst with full and free access to information, data, estimates, and statistics in the possession of their respective departments on the state budget, revenue, expenditures, and tax revenue and expenditures."

SECTION 3. The joint legislative budget committee shall submit a report to the legislature no later than twenty days prior to the convening of the regular session of 1991 on the progress of the establishment of the office of the legislative analyst. The report shall include, but not be limited to:

(1) A statement of the specific powers and duties of the joint legislative budget committee vis-a-vis the office of the legislative analyst, including the guidelines under which the office of the legislative analyst shall operate;
(2) An organizational and functional plan which shall include a mission statement, goals, objectives, and staff requirements for the office;
(3) Recommendations for legislation, if necessary, to revise the law establishing the joint legislative budget committee and the office of the legislative analyst to more accurately reflect the powers and duties of those entities; and
(4) A proposed budget for the 1991-1993 biennium for the office of the legislative analyst.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of $100,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the operations of the office of the legislative analyst, including the payment of salaries of the legislative analyst, two assistants, and other technical and clerical employees as may be necessary, and the purchase of necessary equipment.

The sum appropriated shall be expended by the office of the legislative analyst for the purposes of this part.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of $1,200,000, or so much thereof as may be necessary for fiscal year 1990-1991, to be allocated as follows:

House of Representatives	$600,000
Senate	$600,000

The moneys shall be used for upgrading and developing the legislature's budget analysis software, hardware, equipment, staffing, and any other resources necessary to facilitate more efficient operation and management of the legislature.

The sum appropriated shall be expended by the legislature for the purposes of this Act.

PART II

SECTION 6. The legislature finds that advances in telecommunications and information technology present significant opportunities for the State, especially for the legislative branch of government, to increase the overall efficiency of the legislature and to develop and promote better public access to this data. The present telecommunication infrastructure of the State provides an exciting array of services among state governmental agencies, including video conference centers, voice communication systems, facsimile and image processing systems, local area networks, microwave communication, satellite uplink, and fiber optic technology.

The legislature finds that through its earlier actions in the 1980's, the infrastructure for positioning Hawaii in the ages of information and the Pacific

has been established The infrastructure of local information providers is being developed and international telecommunications linkages will be established between Hawaii and countries in the Pacific Rim

Although the infrastructure has been established, the legislature finds that its continued leadership and guidance is needed in the 1990's to

(1) Encourage public and consumer education and awareness of telecommunications and information services and their importance to the social and economic future of the State of Hawaii,
(2) Promote the development of information services by the public sector,
(3) Begin to establish the "critical mass" of users to access public and private information services, and
(4) Develop statewide education-related databases as part of the state information network in order to provide students with a major "magnet" information service that will help prepare them for the information age technically and intellectually

The legislature finds that resources must be committed to the development of public access terminals, especially in the schools and libraries, and that there are many government information services that should be made accessible to the public in order to provide the basis of "magnet" services that will foster the development of private and additional public information providers Special emphasis will also be placed upon the development of information services that will attract youthful users, such as school library databases, chatlines, e-mail services, and other educational databases. Being able to access and use information through the use of the State's gateway system is an essential part of providing young people, the leaders of tomorrow, with a knowledge base that will prepare them for life-long learning in an information-literate society The legislature further anticipates that it will focus in the 1990's on the development of private information providers

The legislature further finds that it is equally important to improve public access to legislative facilities, such as providing benches outside conference rooms for the public to use while waiting for public hearings

The purpose of this Act is to appropriate funds to promote improved public access throughout the State of Hawaii through technological and other means

SECTION 7 There is appropriated out of the general revenues of the State of Hawaii the sum of $425,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the provision of public access terminals and related communications lines, software development, and technical staffing in schools and school libraries

The sum appropriated shall be expended by the department of education for the purposes of this Act

SECTION 8 There is appropriated out of the general revenues of the State of Hawaii the sum of $200,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the provision of public access terminals and related communications lines, software development, and technical staffing for the Hawaii state public library system

The sum appropriated shall be expended by the department of education for the purposes of this Act

SECTION 9 There is appropriated out of the general revenues of the State of Hawaii the sum of $507,500, or so much thereof as may be necessary for

fiscal year 1990-1991, for the acquisition of public access terminals and other related equipment in all libraries in the University of Hawaii system, including the Richardson school of law and the community colleges.

The sum appropriated shall be expended by the University of Hawaii for the purposes of this Act.

SECTION 10. There is appropriated out of the general revenues of the State of Hawaii the sum of $15,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the acquisition of public access terminals and related communications lines in neighbor island state office buildings.

The sum appropriated shall be expended by the department of budget and finance for the purposes of this Act.

SECTION 11. There is appropriated out of the general revenues of the State of Hawaii the sum of $40,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the acquisition of public access terminals, related communications lines, and other related equipment in all court libraries.

The sum appropriated shall be expended by the judiciary for the purposes of this Act.

SECTION 12. There is appropriated out of the general revenues of the State of Hawaii the sum of $30,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the installation of benches outside conference rooms at the state capitol to accommodate testifiers and other members of the public attending public hearings.

The sum appropriated shall be expended by the department of accounting and general services for the purposes of this Act.

SECTION 13. This Act shall take effect on July 1, 1990.

(Approved July 9, 1990.)

Note

1. So in original.

ACT 348 H.B. NO. 2737

A Bill for an Act Relating to Legislative Information.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER
ACCESS/LEGISLATIVE INFORMATION SERVICE

§ **-1 Definitions.** As used in this chapter, unless the context requires otherwise:

"ACCESS/legislative information services" means the information service provided by the legislature through on-line information networks; including, without limitation, HAWIAN.

"HAWIAN" means the Hawaii area-wide information network.

"On-line" means accessed by the use of data communications hardware and software

§ **-2 Purpose.** The purpose of the ACCESS/legislative information service is to provide certain legislative information and services prepared by the legislature through one or more on-line information networks and to increase the accessibility by the public and state government to information and services

§ **-3 Warranty; limitation of liability.** Use of the ACCESS/legislative information service on the HAWIAN gateway network is at the sole risk of the user The legislature makes no warranty or representation of any kind, either express or implied The legislature provides access to legislative information and services on an "as is" basis, and it shall not be liable or held responsible for any unintentional omission, addition, or error in or loss of service or data; for any breakdown, interruption, or delay in service, or for any other failure or inability of the legislature to provide services or data resulting directly or indirectly from any cause or circumstances

§ **-4 Rights to data and system software.** The legislature is the sole and exclusive owner of all rights, titles, and interests in and to legislatively-generated databases, including but not limited to all computer software and certain data "

SECTION 2 This Act shall take effect upon its approval.

(Approved July 9 1990)

ACT 349 S B NO 3236

A Bill for an Act Relating to the Hawaiian Homes Commission Act

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The Hawaiian Homes Commission Act, 1920, is amended by adding a new section to be appropriately designated and to read as follows

"§ (a) The Congress of the United States and the State of Hawaii declare that the policy of this Act is to enable native Hawaiians to return to their lands in order to fully support self-sufficiency for native Hawaiians and the self-determination of native Hawaiians in the administration of this Act, and the preservation of the values, traditions, and culture of native Hawaiians

(b) The principal purposes of this Act include but are not limited to

(1) Establishing a permanent land base for the benefit and use of native Hawaiians, upon which they may live, farm, ranch, and otherwise engage in commercial or industrial or any other activities as authorized in this Act,

(2) Placing native Hawaiians on the lands set aside under this Act in a prompt and efficient manner and assuring long-term tenancy to beneficiaries of this Act and their successors;

(3) Preventing alienation of the fee title to the lands set aside under this Act so that these lands will always be held in trust for continued use by native Hawaiians in perpetuity;

(4) Providing adequate amounts of water and supporting infrastructure, so that homestead lands will always be usable and accessible; and

(5) Providing financial support and technical assistance to native Hawaiian beneficiaries of this Act so that by pursuing strategies to enhance economic self-sufficiency and promote community-based development, the traditions, culture and quality of life of native Hawaiians shall be forever self-sustaining.

(c) In recognition of the solemn trust created by this Act, and the historical government to government relationship between the United States and Kingdom of Hawaii, the United States and the State of Hawaii hereby acknowledge the trust established under this Act and affirm their fiduciary duty to faithfully administer the provisions of this Act on behalf of the native Hawaiian beneficiaries of the Act.

(d) Nothing in this Act shall be construed to:

(1) Affect the rights of the descendants of the indigenous citizens of the Kingdom of Hawaii to seek redress of any wrongful activities associated with the overthrow of the Kingdom of Hawaii; or

(2) Alter the obligations of the United States and the State of Hawaii to carry out their public trust responsibilities under section 5 of the Admission Act to native Hawaiians and other descendants of the indigenous citizens of the Kingdom of Hawaii."

SECTION 2. New statutory material is underscored.[1]

SECTION 3. This Act shall take effect upon its approval by the Governor and with the consent of the United States Congress.

(Became law on July 11, 1990, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)

Note

1. Edited pursuant to HRS §23G-16.5.

PROPOSED CONSTITUTIONAL AMENDMENTS

See also Act 72, this volume, at page 130 for proposed constitutional amendment to Article VI, 3

H.B. NO. 2051

A Bill for an Act Proposing an Amendment to Article III, Sections 2 and 3, and Article IV, Section 4, of the Hawaii Constitution, to Make Variable the Number of Senators and Representatives to be Elected from Respective Senatorial and Representative Districts

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The purpose of this Act is to propose amendments to Article III, sections 2 and 3, and Article IV, section 4, of the Constitution of the State of Hawaii to make variable the number of senators and representatives to be elected from respective senatorial and representative districts It is the intent of this Act to allow the Reapportionment Commission greater flexibility to reapportion within federally permissible limits

SECTION 2 Article III, section 2, of the Constitution of the State of Hawaii is amended to read as follows

"COMPOSITION OF SENATE

Section 2 The senate shall be composed of not less than twenty-five members, [who shall] but not more than twenty-seven as may be established by the reapportionment commission, to be elected by the qualified voters of the respective senatorial districts Until the next reapportionment, the senatorial districts and the number of senators to be elected from each shall be as set forth in the Schedule "

SECTION 3 Article III, section 3, of the Constitution of the State of Hawaii is amended to read as follows

"COMPOSITION OF HOUSE OF REPRESENTATIVES

Section 3 The house of representatives shall be composed of not less than fifty-one members, [who shall] but not more than fifty-five, as may be established by the reapportionment commission, to be elected by the qualified voters of the respective representative districts Until the next reapportionment, the representative districts and the number of representatives to be elected from each shall be as set forth in the Schedule "

SECTION 4 The question to be printed on the ballot shall be as follows

"Shall the composition of the senate be allowed to increase to a maximum of twenty-seven members, but not less than twenty-five, and the house of representatives to a maximum of fifty-five members, but not less than fifty-one, as may be established by the reapportionment commission?"

SECTION 5. Constitutional material to be repealed is bracketed. New constitutional material is underscored.

SECTION 6. New amendments shall take effect upon compliance with Article XVII, section 3, of the Constitution of the State of Hawaii.

H.B. NO. 2053

A Bill for an Act Proposing an Amendment to Article IV, Sections 4, 5, and 6, of the Constitution of the State of Hawaii to Revise the Laws Regarding Apportionment.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to propose an amendment to Article IV, sections 4, 5, and 6, of the Constitution of the State of Hawaii to conform the sections to federal constitutional requirements.

SECTION 2. Article IV, section 4, of the Constitution of the State of Hawaii is amended to read as follows:

"**APPORTIONMENT [AMONG BASIC ISLAND UNITS]**

Section 4. [The] Whenever possible and to the maximum extent possible, the commission shall allocate the total number of members of each house of the state legislature being reapportioned among the four basic island units, namely: (1) the island of Hawaii, (2) the islands of Maui, Lanai, Molokai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, on the basis of the number of [voters registered in the last preceding general election in each of the basic island units] persons in the adjusted population and computed by the method known as the method of equal proportions; except that whenever possible and to the maximum extent possible no basic island unit shall receive less than one member in each house."

SECTION 3. Article IV, section 5, of the Constitution of the State of Hawaii is repealed.

SECTION 4. Article IV, section 6, of the Constitution of the State of Hawaii is amended to read as follows:

"**APPORTIONMENT [WITHIN] AND BASIC ISLAND UNITS**

Section 6. Upon the determination of the total number of members of each house of the state legislature to which each basic island unit [is] may be entitled, the commission shall apportion the members among the districts therein and shall redraw district lines where necessary in such manner that for each house the average number of [registered voters] persons of the adjusted population per member in each district is as nearly equal to the average for the basic island unit as practicable.

In effecting such redistricting, the commission shall be guided by the following criteria:

1. [No] Whenever possible and to the maximum extent possible, no district shall extend beyond the boundaries of any basic island unit.

2 No district shall be so drawn as to unduly favor a person or political faction

3 Except in the case of districts encompassing more than one island, districts shall be contiguous

4 Insofar as practicable, districts shall be compact

5 Where possible, district lines shall follow permanent and easily recognized features, such as streets, streams and clear geographical features, and, when practicable, shall coincide with census tract boundaries

6 Where practicable, representative districts shall be wholly included within senatorial districts

7 Not more than four members shall be elected from any district

8 Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided "

SECTION 5 The three separate questions to be printed on the ballot shall be as follows

"Shall the basis used for reapportionment be changed from a "registered voter" basis to an "adjusted population" basis?"

"Shall the requirement that fractional voting be used to maintain minimum representation for basic island units, which has been ruled unconstitutional, be repealed?"

"Shall the requirements for reapportionment boundaries be changed from "basic island units" to "basic island units, whenever possible and to the maximum extent possible"?"

SECTION 6. Constitutional material to be repealed is bracketed. New constitutional material is underscored [1]

SECTION 7 This amendment shall take effect upon compliance with Article XVII, section 3, of the Constitution of the State of Hawaii

Note

1 Edited pursuant to HRS 23G-16 5

S.B. NO. 32

A Bill for an Act Proposing an Amendment to Article III, Section 10, of the Hawaii Constitution to Change the Legislative Session Recess Requirement

Be It Enacted by the Legislature of the State of Hawaii

SECTION 1 The purpose of this Act is to propose an amendment to Article III, section 10, of the Constitution of the State of Hawaii to require the dates of the mandatory recess to be determined by concurrent resolution adopted by a majority vote of the members of each house, rather than at some period between the twentieth and fortieth days of the regular session, and to provide for a minimum of six days of recess rather than five

SECTION 2. Article III, section 10, of the Constitution of the State of Hawaii is amended to read as follows

"SESSIONS

SECTION 10. The legislature shall convene annually in regular session at 10:00 o'clock a.m. on the third Wednesday in January.

At the written request of two-thirds of the members to which each house is entitled, the presiding officers of both houses shall convene the legislature in special session. At the written request of two-thirds of the members of the senate, the president of the senate shall convene the senate in special session for the purpose of carrying out its responsibility established by Section 3 of Article VI. The governor may convene both houses or the senate alone in special session.

Regular sessions shall be limited to a period of sixty days, and special sessions shall be limited to a period of thirty days. Any session may be extended a total of not more than fifteen days. Such extension shall be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor.

Each regular session shall be recessed for a total of not less than [five] six days [*at some period between the twentieth and fortieth days of the regular session*]. The legislature shall determine the dates of the mandatory recess by concurrent resolution[.] adopted by a majority vote of the members of which each house is entitled. Any session may be recessed by concurrent resolution adopted by a majority of the members to which each house is entitled. Saturdays, Sundays, holidays, the days in mandatory recess and any days in recess pursuant to a concurrent resolution shall be excluded in computing the number of days of any session.

All sessions shall be held in the capital of the State. In case the capital shall be unsafe, the governor may direct that any session be held at some other place."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the legislative session recess requirement be changed from a minimum of five to six days, and to allow recesses to occur at a time or times to be determined by concurrent resolution, rather than to allow recesses to occur only at some period between the twentieth and fortieth days of the regular session?"

SECTION 4. Constitutional material to be repealed is bracketed. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with Article XVII, section 3, of the Constitution of the State of Hawaii.

S.B. NO. 103

A Bill for an Act Relating to District Courts.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to propose an amendment to Article VI, Section 3, of the Constitution of the State of Hawaii to increase the qualifications for a district court judge from a minimum of five years to a minimum of ten years licensure.

SECTION 2 Article VI, Section 3, of the Constitution of the State of Hawaii is amended to read as follows

"APPOINTMENT OF JUSTICES AND JUDGES

Section 3 The governor shall, with the consent of the senate, fill a vacancy in the office of the chief justice, supreme court, intermediate appellate court and circuit courts, by appointing a person from a list of not less than six nominees for the vacancy, presented to the governor by the judicial selection commission

If the governor fails to make any appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate If the senate fails to reject any appointment within thirty days thereof, it shall be deemed to have given its consent to such appointment If the senate shall reject any appointment, the governor shall make another appointment from the list within ten days thereof The same appointment and consent procedure shall be followed until a valid appointment has been made, or failing this, the commission shall make the appointment from the list, without senate consent

The chief justice shall fill a vacancy in the district courts by appointing a person from a list of not less than six nominees for the vacancy presented by the judicial commission If the chief justice fails to make the appointment within thirty days of presentation, the appointment shall be made by the judicial selection commission from the list The chief justice shall appoint per diem district court judges as provided by law

QUALIFICATIONS FOR APPOINTMENT

Justices and judges shall be residents and citizens of the State and of the United States, and licensed to practice law by the supreme court A justice of the supreme court, a judge of the intermediate appellate court and a judge of the circuit court shall have been so licensed for a period of not less than ten years preceding nomination A judge of the district court shall have been so licensed for a period of not less than [five] ten years preceding nomination

No justice or judge shall, during the term of office, engage in the practice of law, or run for or hold any other office or position of profit under the United States, the State or its political subdivisions

TENURE; COMPENSATION; RETIREMENT

The term of office of justices and judges of the supreme court, intermediate appellate court and circuit courts shall be ten years Judges of district courts shall hold office for the periods as provided by law At least six months prior to the expiration of a justice's or judge's term of office, every justice and judge shall petition the judicial selection commission to be retained in office or shall inform the commission of an intention to retire If the judicial selection commission determines that the justice or judge should be retained in office, the commission shall renew the term of office of such justice or judge for the period provided by this section or by law

There shall be a salary commission to review and recommend salaries for justices and judges of all state courts Justices and judges shall have salaries as provided by law Their compensation shall not be decreased during their respective terms of office, unless by general law applying to all salaried officers of the

State. They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the qualifications for appointment of a district court judge be increased from a minimum of five years to a minimum of ten years of holding a license before being nominated?"

SECTION 4. Constitutional material to be repealed is bracketed. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with Article XVII, Section 3, of the Constitution of the State of Hawaii.

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1990 Regular Session

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